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EFFECT ON THE WORLD OF THE RESTORATION
OF THE CANON LAW

BY DAVID URQUHART

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EFFECT ON THE WORLD
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RESTORATION
OF THE
CANON LAW;
BEING
A VINDICATION OF THE
CATHOLIC CHURCH AGAINST A PRIEST.

By ^{David} D. URQUHART.

AUTHOR OF THE "APPEAL OF A PROTESTANT TO THE POPE."

LONDON:
DIPLOMATIC REVIEW OFFICE,
24, EAST TEMPLE CHAMBERS, WHITEFRIARS STREET, E.C.
1869.

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C. WHITING, BEAUFORT HOUSE, DUKE STREET, LINCOLN'S-INN-FIELDS.

JOHN

EFFECT ON THE WORLD OF THE RESTORATION OF THE CANON LAW.

CORRESPONDENCE.

THE REVEREND FATHER SUFFIELD TO DAVID
URQUHART, Esq.

The Hermitage, H. Bosworth, Leicestershire,
July 25, 1869.

DEAR SIR,—My absence, as “extraordinary” at some convents, caused me only just now to receive your letter of the 17th. Let me at once say, most decidedly and frankly, I should be sorry to be considered by yourself, or by any one else, a “foe” to one who publicly appeals to the Holy Father in the interests of justice, peace, and humanity. At the same time some difference of profound practical importance exists between us. I am at present convinced that the authorities of the Catholic Church are on my side, and not on the side of the Ecclesiastics, who dare not give their names. Some of these Ecclesiastics go into generalities, which we have all known from our youth, and appeal to books familiar to every priest. It seems to me that some of these good men, anxious to see you a Catholic, want to present the Catholic doctrine and practice under an aspect which will conciliate your intellect through your heart.

The question that came before me was this: whether soldiers already enlisted in the armies of their own nation were guilty of mortal sin in our recent wars; whether the Confessor would act right or wrong under the circumstances described in the fourth page of my letter to Earl DENBIGH. All the Bishops, Theologians, Professors, and Confessors, who have as yet written to me, *signing their names*, entirely agree with me, and utterly repudiate any opposite line to what I attribute at page 4 to a Confessor representing myself. In this matter I am not accessible to argument, but I am to authority. Therefore I printed a letter, and placed it in the hands of those opposed to me, *challenging them to get it condemned*, and to advance an op-

posite practice, *declare their adhesion to it, giving their name, and get that approved.*

The difference between *us* is, I think, very great; for you regard all those Soldiers and Confessors as guilty of mortal sin for doing that which I consider them free in conscience to do. It is a practical question: if you were a Confessor you would (as I presume) act in a way directly contrary to me; if you were a soldier so circumstanced you would, I believe, be glad to disobey and to die a martyr to your conviction; that is a line I respect. I respect any Ecclesiastic who, holding the same conviction as yourself, would pursue the course alluded to by me at page 5, and, giving his name, denounce, as a second SAVONAROLA, the "corrupted morality to which Ecclesiastics had "compromised themselves." But I have not the slightest respect whatever for an Ecclesiastic who implies to you that he agrees with you and censures me, and yet does (if he does) just the same as others, and then confuses the whole practical question by voluminous extracts from books familiar to us all, and accepted by us all, and thus conveying to thoughtless persons the impression that I object to the principles laid down by St. THOMAS, SUAREZ, FERRARIS, or some other great theologian. Let such Ecclesiastic imagine that perhaps others have read moral theology, and accept it, and boldly meet me on the real issue—is the Soldier, is the Confessor, in mortal sin or not?—at page 4. And let him get one Bishop to indorse his opinion by name. For myself, if argument influenced my judgment on that side, authority to me would still influence it more—I mean Episcopal authority—and at present all such, *as far as I know*, is on my side.

Of course Rome could settle it at once for all, and that particular question compromises at once an enormous multitude of people, so that it is most grave and urgent.

I wish that I had used the expression, "Right of Soldiers to Holy Communion," as some persons like yourself misapprehend the other expression, forgetting that a soldier has need to get Absolution before Communion, and if he be quite innocent, as I affirm on the matter of service, he still needs the Sacraments; but if he be in mortal sin in the matter of serving in the war, or intending to serve, he could not be absolved at all without withdrawing.

When persons like Bishop —, Bishop —, Bishop —, Bishop —, Bishop —, Dr. —, Dr. —, Father —, Prof. —, and Father —, declare to me privately that my line is correct, and the opposite quite untenable, it seems to me beneficial in the extreme for those persons who are convinced that we have got entangled into a false morality to bring the question to an issue. Therefore, I really shall be glad, if you

take the case at page 4, maintain the opposite, and get the matter formally and publicly settled by authority. Should the Bishops, on further investigating the subject with fuller view of its bearings, declare me to be in error, they will remove the obstacle to my co-operating with you. *Till then* I can only agree with you so much, and admiring profoundly sympathise with the pure, noble, and unworldly motives animating a heart worthy of its intellect. With great respect, and thanking you for your short letter,

Believe me, dear Sir, very faithfully yours,

ROBERT RUDOLPH SUFFIELD.

DAVID URQUHART, Esq., TO THE REVEREND
FATHER SUFFIELD.

Châlet des Melezes, Haute Savoie, August 10.

SIR,—I have received a letter from you of the 25th July, in answer to one in which I entreated you to drop the consideration of what persons had done or persons had written, and to bring the case to issue on the doctrines of the Church as to what Christian men ought to do. Your reply is no reply; it avoids so much as a reference to my proposition, and consists in statements to the effect that Priests and Bishops do what we all know they do, and approve of what we all know they approve.

Yet you were the more bound to accept my terms, seeing that you had successfully interfered with that in which I was engaged, viz., to obtain adjudication. I was so engaged with the approval and sanction of your ecclesiastical superior. Your interference was effected by a statement respecting those very Canons, which you now speak of contemptuously (*"generalities* which we have all known from our youth"). That statement was not correct. I have cited in a former letter, among the means adopted by you to stop the Petition to the POPE, your having told Mr. — that "the Canon Law contained nothing in reference to the Declaration of War." If this had not been correct, you would have repudiated the very grave imputation. I therefore take it to be incontrovertible that this assertion was made by you. Now, you either knew or did not know what the Canons laid down in this respect. In either case you could not have made the statement. But such a statement, how could it work the effect obtained by it? Simply through your priestly character. Mr. — accepted your statement against mine because you were a priest; and in his judgment a priest must understand the Canon Law. You were to him an authority, and his trust in that authority led him astray on the simplest point that can

be imagined; and yet a point involving mortal sin in its erroneous acceptance.

The mind is, indeed, utterly lost in the contemplation of the spectacle here presented. That a man of education (I will not say a teacher or a priest) should be found to assert, and that even one other should be found to believe, that there could exist on earth a code of law or of religion where the conditions on which the sword can be drawn are not laid down, passes the most successful efforts of romance, or would do so, only it is attained to without an effort, because it is the condition of the age in which we live. But then it is the religious and not the political world that has so fallen. For no lawyer even yet would say that there are no conditions attached to the lawful drawing of the sword. Of these conditions the most salient is the "Declaration," and it is therefore singled out by jurists as that which "CONSTITUTES" war. "The war exists by the Declaration; all other is brigandage." (LATROCINIUM).

When St. AUGUSTINE put the case in this fashion, "In what cases is it *permitted* to shed blood?" he left a land mark by which to rate the march of decay. To his age the question was how, in shedding blood, can we be absolved from sin? In ours it is, how can there be sin in executing an order? That is for the religious community, but not for the legal, even yet. They may be dumb, but they are not blind; and when a case does on rare occasions come before a judge, he deals with it according to the law, whilst the Bishop and Confessor, before whom the case daily comes in discharge of their common functions, do not deal with it according to the Canons.

As I write, an English journal (the *Pall Mall Gazette*, of August 4) reaches me, and my eye being attracted by a marked passage, I read these lines under the heading of "Military Duties in Ireland":—

"At the Wexford Assizes, in 1831, Sir WILLIAM COX, a grand juror, asked Chief Justice BUSHE, 'If a military body be called out, and if the commander give the order to fire, are those acting under his command exempt from the consequences?' 'My opinion,' replied his lordship, 'is that no subject of the king is bound to obey an illegal order, and if an officer give an illegal order, those who obey him are not in my opinion exempt.' 'Then, my lord,' asked another juror, 'is the soldier to be the judge for himself on the case whether he is to obey the order or not?' The Chief Justice answered, 'I suppose so.'"

The writer, not understanding the law, has written what is unintelligible. He would have made it intelligible had he understood that the order referred to was illegal, because the Riot Act

had not been read. The reading of the Riot Act *by the magistrate* being in regard to the use of their weapons by soldiers at home, *not themselves attacked*, equivalent to the Declaration in respect to war abroad.

Thus it is that every soldier has a sense of the law which finds no place in the mind of the priest, the civilian, and the layman; for, knowing that within the British dominions he will be hung if he obeys an illegal order, he can be made with comparative ease to see that in a foreign war an analogous legalisation is required; and that because he has drawn the distinction between legal and illegal orders.

But neither have the Judges been slow to render judgment according to the law in this regard; as was evidenced in that which you have chosen as your specimen of a war, the Chinese—that war in regard to which Cardinal WISEMAN considered that it was presumption in any man to entertain a “private opinion.” The case having been brought into court in reference to a breach of contract, the payment of damages for which depended on the character of the hostilities that had occasioned the breach, the Court of Common Pleas, by the unanimous judgment of its members, decided in terms that the operations in China were not war, and therefore by implication that they were Piracy.* Had the case come before them in a criminal form by a prosecution for murder against any one—general or admiral, officer, soldier, or sailor, who had killed a native of China in the prosecution of those hostilities—their judgment would have been the same, because it could have been, no other. “If there be no Declaration of War every “man who kills a Chinese is guilty by statute of murder.” Sir JAMES GRAHAM said these words *uncontradicted* in the House of Commons. So clear is the law on this point, that had a true Bill been sent up in any one of these cases by a Grand Jury, on the proof of the facts been afforded, the judge could only have asked the prisoner to show cause why sentence of death should not be passed upon him. The case above referred to occurred in the Chinese “War” of 1840, but there was no difference between that and the “War” of 1857 referred to by Cardinal WISEMAN. Both were waged without Declaration and without cause.

In former times the Bishop was judge, and sate in the Shire Court beside the Earl. In the present separation, as it is called,

* Chief Justice Tindal said, “The plea does not state that the prohibition (to land the goods at Canton) was in exercise of the acknowledged prerogative of the Crown, of the right of declaring peace and war; nor does the case fall within the range of those, which might be cited, in which the dissolution of the contract is shown by showing that it is to carry goods to a party who *by declaration of war* is made an enemy.” *Case of Evans v. Hutton*, Jurist, vol. vi. p. 1042; see *Diplomatic Review* for January 28, 1857.

of Church and State, this has happened which has not been so much as observed ; that the Church in England has fallen even lower than the State. The English judges are appointed by the Government : in England no Concordat places the appointment of Catholic Bishops at the mercy of the secular power. The Judges are in truth the essential part of Government. Sir F. PALGRAVE describes the Constitution itself and the kingly power as a mere framework for the twelve judges.

In respect to what is this contrast brought out ? That which is the point of departure of all law, of all morality, of all human society ; on which rests the peace of any hour during which it is enjoyed, the retention of goods and possessions, the retention of life itself. Drop the Declaration of War as the condition of making it, and the world becomes an association of wild beasts, and every man an assassin in heart, when not in effect. To say that the Canon Law is silent thereon, is, by a sentence, to extinguish Christianity itself (for the Canon Law preceded the Reformation). To say that the Law of Nations does not require the Declaration, is in like manner to extinguish all constituted society. This you must at least intellectually apprehend by making the application to that branch of law, the municipal, over which this judicial blindness has not spread. For this it only requires that in imagination you should place yourself in front of Newgate whilst a man is being hung according to the new system, when being curious to know why, you question your neighbour.

Question. What has this man been guilty of ?

Answer. I don't know.

Q. Of what has he been accused ?

A. I don't know.

Q. Where was he tried ?

A. I don't know.

Q. Who sentenced him ?

A. I don't know.

Q. Has he been condemned ?

A. I don't know.

You then address your inquiries to an official, and learn from him that the executed man had been accused of nothing, tried nowhere, and not condemned at all, but that an order had come from the Home Office for his execution.

Your authority, thus brought to the test and found to be no authority whatever, but a most dangerous and fatal snare, is no other than the "authority" of those priests and prelates whom you mention to me by name (and yet as regards some of whom I must doubt the accuracy of your interpretation of their words),

and of whom you tell me that they have "privately" assented to your views of Canon Law and Christian duty.

To confuse any subject, there can be no better means than that of reference to the opinions of men. To place a litigated point in course of solution there can be no other means than that of reference to the law. The law in this case is the ecclesiastical one.

Here is your argument: "If what you say is correct, Priests, Confessors, Bishops, and Cardinals are guilty of mortal sin, which is absurd; therefore you are not correct in your application of the Canon Law."

My statement is this: "Killing without cause and necessity is mortal sin."

Observe, I have nothing to do with priests and confessors, with absolution or sacraments, and therefore have never said a word on the subject till forced by you, and then only to shut it out.

I deal with the practical matter only—THE ACT. What *men do* is what I have to do with. What you are engaged in is to show, not that these acts are not crimes, but that these crimes can be committed without sin.

I asked you to place your proposition in a form adapted for adjudication. You avoid answering me; then you propose that I should bring forward a proposition. I bring forward a proposition! What else have I been doing all my life? What is that proposition? Charge of murder, charge of infidelity, repeated on each occasion that the successive deeds were done.

What has been the reply? Indifference, contempt, disregard, anger; such words as these, once said to me by an ex-Chancellor of England, "You do not belong to your age, or you would accommodate yourself to it." But, at all events, no one before yourself has met the charge with the plea of innocence, and sustained that plea by the attempt to level Christianity down to the lives and practices of its actual professors. No one; because when I have in vain appealed to Divines or religious persons of my own communion, their plea has only been, "Religion has nothing to do with these things;" they have not said that it was the business of religion to convert, for the Government, their own flock into passive instruments of its crimes. Again, then, I say to you, let the matter be brought to issue on the character of any one of the acts in question—the Chinese War for instance—and then let the Canons of the Church be brought to bear on that act, to determine the nature of participation therein. If you refuse this test I must infer, as every unbiased man will, that you shrink from the trial because you have been compromised in

sanctioning acts of a novel order before you had rendered to yourself an account of their nature.

All that you say in your letter regarding the conduct of Confessors might be conscientiously felt and acted on in regard to *legitimate war*, that is, *true war*. But we have not to deal with war at all. There is no longer war; there is mere bloodshed. The change has been effected without any one perceiving it, as neither the political man nor the religious one had received previous instruction; and if it be now to the last degree painful to the would-be conscientious politician to be told that every soldier sent forth is "guilty of murder *by statute*," how terrible must it be for the religious instructor, the Priest and the Confessor, to be told the same thing; making, as he internally must, the application to himself in reference to such ignorance and all its consequences. If it be your purpose to bring this debate to issue on the grounds of intrinsic truth and not of the justification of your past acts, you have the means ready to your hand. I will take two of your propositions, and call on you either to substantiate them or to recant them. These are:—

1. That the Canon Law contains nothing on the subject of the Declaration of War.

2. That the soldier need not inquire into the causes or even into the character of a war.

I say to you, quote one passage from the Canons, or from any writer of authority whatever, in support of the one or the other, and I grant your cause gained; then I turn elsewhere, and no longer to the Catholic Church, to look for that hand to which it shall be given, *partes scelus expiandi*—if there remain such on earth. But if you cannot (as you cannot) adduce such passage, what shall I say of your good faith? If, being unable to substantiate, you do not recant (which you will not), what, again, shall I say of your good faith?

When these propositions of yours were refuted—not by me, but by Catholics of profound learning—you avoided alike all reply and all recantation, and you shrouded yourself under the cloud which you had raised bearing the name of "DOUBT."

The "French Ecclesiastic" showed that all that has been said by Canonists upon the subject is derived from the expression in the Canon *Quid Culpatur in bello*, that a just man may make war at the command of the king "if there be a certainty that the WAR which is ordained is not contrary to the precepts of God, "or *uncertainty* whether it be contrary to those precepts." You joined together doubt and not inquiring. Not to inquire means not to know, to be in ignorance; whereas doubt implies that the person doubting has made inquiry, but is not able to satisfy his doubt. "If nations and individuals forget in the matter of War

"this Fifth Commandment, never will they have either *certainty* or *uncertainty* as to its violation in that respect; they will only have *ignorance* and *indifference*. *Certainty* and *uncertainty* have a meaning in the mouth of St. AUGUSTINE, and their place cannot be supplied by the Military Oath, which, according to our adversaries, takes the place of everything, both of certainty and uncertainty." I quote here only from the first letters of the "Ecclesiastic," although his commentary on FERRARIS is still more important, as showing that the "doubt" spoken of has reference only to the *motive* of the War, and does not bear upon its *lawfulness*, in which point doubt is not even supposed to exist. Unlawful war was not then made by regular Governments, and such hostilities would not have been called War but brigandage.

Those letters, with others, were privately communicated to you before they were printed, and you replied that you accepted the interpretation so given of the true meaning of "doubt." Such, at least, I conclude must have occurred, as — — wrote to me, telling me that he had sent you the letters, and saying that he had received from you some more extracts from "eminent theologians;" and that they all said "that if the soldier be *in doubt* he must fight, being bound by his duty to his Sovereign and his military oath." But, he added, "Remember, I use the words '*in doubt*' in the theological sense referred to by the '*French Ecclesiastic*,' which was the sense in which it was originally used by Father SUFFIELD." I then replied to him that you could not have originally used it in that sense because you had added, "and he need not inquire;" and that if you now accepted such interpretation you had to say that you had been in error when you wrote of the soldier "he need not inquire." There the matter rested.

Doubt is so great that it can destroy the vastest plans; it is so little that it can find room in the smallest minds. But wherever it appears, the effects are the same—to paralyse the arm, to corrupt the heart, and to extinguish the understanding. The doubting man is no man at all; therefore all teaching must be directed to the acquirement of certainty, and so all Scripture:—"The seeing eye and the hearing ear, they too are the work of GOD." If to replace doubt by certainty be the legitimate aim of all instruction, what name shall be given to that instruction the aim of which is to substitute doubt for every mental process, and every natural instinct tending to remove it?

But doubt treated thus generally has still no bearing on your use of the word, which is mere substitution. You invoke doubt as a power; you invent doubt where no doubt exists; you do

not, with the perverse of old, say "Peace, peace, where there is "no peace;" you do not place evil for good, and darkness for light; but you deny peace, you deny good, you deny evil. There is nothing for you but chaos, for under its friendly covering alone can you defy pursuit or baffle detection.

But among the propositions which you have advanced there is a third one, which is the most important of all. It is in respect to the Catechism. It was out of this that arose your interposition. You busied yourself privately in preventing Catholics from signing a Petition to the POPE for the restoration of the teaching of the ancient catechisms with respect to the commandment, "Thou shalt not kill." It was in pursuit of this end, and in order to controvert my statements, that the ancient catechisms, and specially the Catechism of Trent, contained all that was required under our present circumstances, that you sat down to examine the Catechisms: the result of that investigation was, that you found nothing therein of all that I had asserted! Here was a matter brought to the simplest of issues, and here are your words in reference to it:—

"I have been examining different Catechisms, including the "Catechism of Trent, and also that of BELLARMINE, compiled "by order of Pope CLEMENT, and *I cannot find in any an article "such as Mr. URQUHART desires to see restored. In what Catechism is it?"*

After that you go on still further to say, "I have consulted "all the theologians in the Hermitage Library, and I find that "all treat the question much the same."

Here, then, are words not spoken in ignorance.

This letter was transmitted to me whilst travelling, and in reply I said that it was sufficient to take the Douay Catechism, which preserved all that was required in this question and answer:—

"*Question.* Is it not lawful to kill in any cause?"

"*Answer.* Yes, in a just War, and when public justice requires it."

You had now got your answer; you had either to deny the existence of the passage, or to acknowledge that your opposition to the Petition had been founded in error. Neither result ensues; you avoid the question, and—continue your opposition.

Then comes the reply from the English Lawyer, in which is brought out a full exposition of the instructions accompanying the Catechism of the Council of Trent, "to facilitate the performance by every parish priest of the duty of understanding "for himself and enforcing upon his hearers the true sense and "meaning of the Ten Commandments, and *non occides* amongst "the rest." Wherein, after quoting from the Catechism of

Trent, the heading, "On what ground those do not sin who, actuated not by motives of cupidity or cruelty, but by the sole desire of promoting the public good, take away the life of the enemy in a just war," he goes on from the same to cite the following words:—

"With these exceptions, *all other killing is prohibited*, whether one regards the person who kills, the person killed, or the manner of killing." Again: "For as regards those who kill, no one is excepted, not the rich, not the powerful, not masters, not parents;" and again, "If we regard those who are killed, this law extends to all; nor is there any one, of however humble and lowly a condition, who is not protected by force of this Law."

Observe, it is the life of *the Enemy* that is permitted to be taken, and then only in a just War, and so the judicial decision in respect to the first Chinese War shows that unless there be a Declaration of War there is no Enemy, and therefore it is that he who takes life when there has been no Declaration is guilty of murder by statute as well as by the Canon Law.

Upon this appears your printed letter to Lord DENBIGH, in which you say, "Some gentlemen have even urged upon Bishops the introduction into our Catechism of certain Articles calculated to enlighten them (soldiers). WE HAVE NOT BEEN TOLD TO WHAT CATECHISM ALLUSION IS MADE (!) The Catechism of Trent, which is, I presume, in the weekly use of every Ecclesiastic, teaches nothing enforcing upon the soldier——"

What are we here to expect? Of course it must be "nothing in reference to the justice of the cause in which he is commanded to slay." What else can follow the antecedent words? Unless this was to follow how could the antecedent words have been written? This is what follows:—

"Enforcing on the soldier the perpetration of the pre-sumptuous investigation required by his new teachers."

When you wrote these words you knew perfectly well that the catechism referred to was that of Trent, you knew perfectly well that the Catechism of Trent did contain the teaching which I said it contained, and you knew perfectly well that I had not said that the Catechism of Trent enjoined on the part of the soldier investigation, whether "presumptuous" or not, whether criminal or not, for it is crimes only that are *perpetrated*.

You next go on to say that the English Catechism of the reign of CHARLES II. "asserts against the Quakers the lawfulness of "War."

Here is a wonderful passage, and quite explains the success you have had in your proceedings. It must have utterly be-

wildered any one who read it, unless he had been possessed of the knowledge of a subject now become recondite; and at the same time been gifted with the power and freedom of mind requisite to admit to himself in the writer the purpose of perversion.

Where do you find, and on what authority do you advance, the monstrous proposition that a Catechism of the Church of Rome had been drawn up in reference to the Quakers? Would any man, tender of his fame and honour, advance such a proposition without substantiating it? What means the proposition, "asserting the lawfulness of War?" Have I denied the lawfulness of War? What I have denied, and therefore what you have to maintain, is the lawfulness of unlawful War. By this phrase you attempt to put me merely on the line of the Quakers, as later in your letter you specifically do, and so, in the eyes of those who know nothing about the matter, gain an easy victory.

I have not got the Catechism to which you refer, and have not here the means of getting it. But what is the meaning of your saying that it contains this or that? Why not have given us the words themselves. Those words could not have occupied at furthest half a page of your pamphlet, and they would have been worth something; whereas the fifteen pages of which it consists contain not a line that is relative to the subject. But without having that Catechism before me, I do not hesitate to say that you would not have failed to have quoted it had it contained anything to substantiate your description of it. I will even go further and assert, that it is utterly impossible that it could contain anything of the sort. Catholic Catechisms in later times have, indeed, dropped the specification of crime in the participator in an unjust War; but even now no Catholic Catechism has or could sanction War as War without reference to its merits. I have before me a Catechism of 1649, than which nothing can be more explicit. Though it be identical with that of Trent, still I here quote the *ipsissima verba* :—

"Fifth Commandment expounded.

"Q. What is prohibited by this?

"A. All murder, unjust shedding of blood, fighting and quarrelling.

"Q. Is it not lawful to kill in any cause?

"A. Yes, in a just War, or when public justice requires it."

This other Catechism to which you refer must equally contain the specification of *just*, as distinguishing the two kinds of War, just and unjust, the use of which is permitted, the other forbidden. If you had never before thought upon the subject,

this controversy must have opened your eyes to that distinction. So that your exclusion of the word "*just*" was not and could not have been by ignorance or inadvertence, but must have been, and was, by design.

For argument's sake, let us suppose an impossibility, namely, that your Catechism of CHARLES II. did declare unjust War to be lawful; even then your position is not improved. For you "had been examining different Catechisms, including that of "Trent," and you had seen in that of Trent the distinction drawn between just and unjust War. If acting in good faith you had to say not, "I cannot find in *any* an Article such as "Mr. URQUHART desires to see restored;" but you would have said, "I do find in the Catechism of Trent the Article that Mr. "URQUHART desires to see restored, although I do also find by "a Catechism published in the reign of CHARLES II. that all "War is lawful."

You have combined your phrases to make it appear to those of your flock who are influenced by your statements; first, that the Catechisms not only do not support my proposition, but that they do support the contrary; secondly, that my proposition is, not that unjust War is sinful, but that all War is sinful, so to place me on the same line as the Quakers.

In my last letter I have shown that you are on the same line as the Quakers, and that I am equally opposed to you both, using these words:—

"Whilst the Quakers are on one side and I on the other, it is "you that are on the Quakers' side; you both exclude the "matter of justice in the consideration of a War. Losing this, "the foundation of all right, there is no difference between "those who condemn a man who defends himself when unjustly "attacked, and those who justify the man who assaults his innocent fellow-creature."

To make the matter clear beyond the possibility of further misrepresentation, I quote the terms of the Petition to the POPE, which you have been busying yourself in stopping:—

"We pray your Holiness to restore in the Catechisms the "ancient teaching on the Commandment, *Thou shalt not kill*, "contained in the ancient Catechisms and in that of Trent."

It is to meet this that comes your third proposition, namely, *that the ancient Catechisms and the Catechism of Trent contain no Article forbidding participation in an unjust War.*

It is not here words in the air. It is a practical interposition in public business. There is no alternative between substantiating the dogmas you have put forth and caused to be accepted on your authority as a priest, and your recanting them, and restoring to freedom of action, those persons whose minds you

had erroneously influenced. It is not given to men to judge of their fellow-men in respect to doctrinal belief; but when it is *conduct* that is in question, the case can always be solved by bringing it to the test of personal integrity.

You have to retract your two first propositions, not only in words, but in effect; for you have to undo the evil you have done by their use. You have to tell Mr. — that you were in error when you said that the Canon Law was silent as to the Declaration of War; and you have to beg him to sign the Petition which, under the erroneous impression you had dissuaded him from signing. In like manner you have to inform — that you were in error when you told him that the soldier need not inquire into the character or causes of a War, and by doing so had determined likewise his public conduct.

In regard to your third proposition, you have, as in the case of the other two, either to substantiate it by direct and unambiguous citation, or to avow that you have been in error.

What the Petition to the Holy Father contained in respect to the Catechism, and what I have written upon the subject, does indeed fall short of the truth. For it is not in respect to the Fifth Commandment only that the Church teaches the application of the "Law of Nature" to public duties, to the conduct of subjects towards their Princes, and of nations one towards another. In explaining the Fourth Commandment, it teaches that if Kings or Magistrates command us to do sin, we must answer them with the Apostles: "We ought to obey God rather than man." The Seventh Commandment is in like manner so applied in the Catechism of 1649 (and in this it only abridges what is written in the Catechism of Trent). The real state of the case then is, that in the Catechisms in common use, a large and most important part of the Canonical Catechism has been totally omitted; that is, all that does not bear merely upon private—or, as I am induced to call them, seeing how you treat the subject—*dunghill* affairs. It might have been answered on this point; "but the Priests all know the Catechism of Trent, and they do so explain the Commandments to the child as soon as it is 'capable of so understanding them.'" But as no such reply has been given either by you or any one else, I am obliged to assume that such is not the case; and further, your letter was addressed to a Catholic, by which it is clear that he did not know that there was any difference in this respect between the Catechism of Trent and those in common use.

There is an instance in point so remarkable that I must refer to it. One of the most distinguished of the actual French Hierarchy has published a Catechism especially designed for

"Men of the World." The title is "Le Catéchisme Chrétien, ou un exposé de la Doctrine de JÉSUS-CHRIST offert aux hommes du monde." In this Catechism there is not to be found the smallest allusion to that part of the Church's teaching of which I have been speaking! Upon the Fifth Commandment nothing is said about War, although it is applied to duelling, and the pains inflicted by the Church on those who are so killed, or who commit suicide, are mentioned. Upon the Fourth Commandment the reservations made by the Catechism of Trent are omitted, whether as applied to Parents or to other superiors, namely, that, even Parents are not to be obeyed when they command what is wrong, and that "should Princes issue an *unjust* or *wicked* mandate they are on no account to be listened to." Observe that this is in a Catechism intended for "Men of the World," the preface consisting in showing how the Catechism "is the book of all ages, and corresponds to all wants."

I purposely omit the name of the Prelate in question, and for this reason, that I entertain for him, not merely great esteem, but affection. I do so, for I have found in him great powers, combined with an instant appreciation of the work in which I am engaged. It is, therefore, evident to me that the state of mind which produced such a Catechism has been one merely of ignorance. It is not for me to call him to account for such ignorance, but to rejoice that he was capable of desiring that a state of things in which he was himself so deeply implicated should cease.

I have before me the Catechism for Savoy, published by the Bishop of ANNECY (the See once filled by St. FRANÇOIS DE SALES!), with the injunction to use no other. Its date is 1823. This Catechism then cannot be attributed to the governing influence of a great and aggressive State. It appears in a small one, which had not then commenced its career of lawlessness; but being the "bit in the mouth of France," had been engaged for some generations in the endeavour to protect itself from aggression. Now what are its provisions?

Total exclusion of any explanation of the Commandments in regard to aggregate acts; total omission of the teaching of the Canonical Catechisms as regards War; omission of the very term "murder."

But this is not all; there is an implicit sanction given (under the 5th Commandment) to the obedience to orders when emanating from "authority," whatever the nature of the act itself. The only answer given to the question, "Is it never allowable to put any one to death?" is, "No, it is a great crime to do so of your own *private* authority." Yet this Catechism, under

the head of the 4th Commandment, does declare obedience to superiors sinful when they require you to do that which is evidently unjust. Even this reservation is omitted in the Catechism written to explain Religion to "Men of the World." Such is the progress in indifference as to these matters, effected between the years 1823 and 1866.

You say, "I have not the slightest respect for an Ecclesiastic who implies to you that he agrees with you, and censures me, and yet does—if he does—the same as others." You will have from that Ecclesiastic an explanation of the reasons why he conceives himself obliged (in *France*, not *England*) to do the same as you do. But the difference is this: That he and the others (of whom you speak so uncharitably) desire to be able to do otherwise, and look to such a change as necessary for the safety of Society, and essential for the well being of Souls; while you—to use your own words—"do not deplore, but defend the universal practice of Confessors in treating Soldiers, under the circumstances of modern warfare, as not on that account guilty of mortal sin."

To us, who are engaged in the attempt to cause the present state of things to cease by removing the judicial blindness out of which it springs, you have rendered a great service by bringing to light the Note of Cardinal WISEMAN; for nothing has ever yet appeared so calculated to arouse the fears and the indignation of men, by showing them to what depth that blindness has reached, and to what high regions it has spread. You have done so, indeed, in a contrary expectation—that of crushing our endeavour under the authority of his name. I ask you to continue in this line, to give us the letters of those Bishops whom you quote to me privately; and I ask you, if those who thus agree with you in private, do not "dare" to publish their letters to the world with their names? On our side the names are of no importance, seeing that we rest on reasons. To you they are of all importance, seeing that you rest on "authority;" and that for you, authority is not that of the Church, but of certain individuals, at a given time.

I cannot help here quoting the words of Monseigneur GUERIN, who, in reference to a *Saint*, and that Saint St. CYPRIAN, when in a special Council he had carried a decree, afterwards reversed at Rome, that heretics had to be rebaptised, says:—"We have not here to examine how far St. CYPRIAN may have erred, for *we leave persons aside, to occupy ourselves only with Catholic doctrine.*"*

Nor can I avoid quoting the words of another, even though of

* "Les Conciles Généraux et Particuliers," vol. i., p. 28. Palmé, 25, Rue de Grenelle, Paris.

no value for you, he having been himself a Pope and a Saint, and having lived even more than a thousand years ago, and the words being contained in the decree of a Council :—

“That a Bishop ought himself to condemn what he himself or his predecessors have done contrary to the rules of the Church. Otherwise he is to be punished.”

This is the 4th of the 5 decrees of the Council of Rome, A.D. 465, held by St. HILAIRE. What a contrast to the present day is afforded by the 1st of these 5 Articles, which is as follows :—

“The POPE, by his quality of first Bishop, is obliged to take more care than any one else of the discipline of the Church, as otherwise he would become so much the more culpable, as he is the more elevated in dignity.”

Cardinal WISEMAN deals in three lines, and apparently after not even one minute's consideration, with one of the most momentous questions that could be brought before any man, even were he not a member, and an exalted member, of the Body whose business it is to watch for the souls of the people, and of whom it is said that if they fail to do so, the blood of the erring will be on their heads. He was not consulted by the father in this case as to whether the Chinese War was unjust or not. By the terms of the son's letter, it is clear that his father had not any doubts to be resolved on the point; for he says, “My father became uneasy, because, *as he considered the War unjust*, he did not know whether he should be doing right in letting me enter.” The reply, then, amounts to this, “You are quite right in sending your son to take part in a War which you hold to be unjust.” Then, Sir, the Cardinal decided directly in the teeth of the Canons, even according to your own interpretation of them. For in your very “Objections” you admit that “a soldier, *sure* that the War is unjust, is to get out of the Service as soon as he can.” Of course, by so much more must he not enter the Service; and I do not suppose you will say that it is a proper exercise of parental authority for a man to cause his child to do what he could not do himself without incurring guilt. Further, you go on to say, “that foreigners *hiring* themselves are bound to inquire if under a real doubt.” Here your statement falsifies the Canons, which expressly say that foreigners must *not hire* themselves, unless they have *no doubt*. This evidently is the rule that had to be applied to any one proposing to enter the British Army during the Chinese War. The “subject,” when the Canons were drawn up, was the feudal vassal, and the only “hired” soldiers were, therefore, foreigners.

But what is really terrible in the letter of the Cardinal is,

that he does not consider the question at all. He decides at once that the father might cause his son to enter the Army "*as soon as possible*." He uses, too, the word "War;" I may, therefore, assume that he was utterly unconscious that "War" was no longer carried on by England. Yet as he must have read the newspapers, he knew what had occurred. His ignorance, therefore, of the Laws of England and of the Law of Nations equalled his ignorance of the Canon Law. His position is exactly parallel to that of any of the fanatically pious Protestants, who have invariably put aside my appeals by the words, "Religion has nothing to do with Politics;" that is, with Justice; for politics means only what is done by the State.

When the first hostilities, which were not War, were undertaken by England, namely, the Affghan Expedition, they were actually begun before any one in England (but those in the secret of that treacherous crime) knew what was doing. Had the Priests in England been instructed in the Canon Law, they would have, on the news reaching this country, at once apprehended what had taken place. Appeals for instruction as to their conduct under the novel circumstances could not fail to have been made to their Superiors. In this way the facts of the case would have reached Rome, and a decision must have been taken, just as in the novel case of Fenianism. As it is, nothing of this having happened, it is probable that the highest authorities in your Church are even at this moment in ignorance of the new circumstances to which the Law had to be applied.

Infidelity is of all things the most repugnant to man; in modern times it has been factitiously created; not, indeed, by such ineffably contemptible means as reasonings of man, but through those supreme motors, Taxation and Crime—motors called into being solely by the failure of religious instruction, admonition, denunciation, and excommunication. I speak of what I know. I know countries where Infidelity is absolutely unknown, and I know—I have touched and handled, and successfully wrestled with, Infidelity, as it exists among the present Christian Communities. I have done this, not by disputing points of dogma, but by showing to each man his own part in the general disorder; consequently his own guilt; consequently his own error; and then, his pride and presumption having been broken down, it followed, that in no case could he trust to what he called his reason.

But then those on whom I could produce an effect were those in whose hearts the natural law had not been obliterated, notwithstanding all their reasonings; yet I could not even have proposed to myself to recal these men from their aberrations, had I not been able to show them that the Christian religion was not to be learned from the lives of its teachers and profes-

sors, but from the lives and teaching of our LORD and His Apostles.

I have been led into this digression by wishing to show you the effect produced on one of those I have been referring to, now one of my most earnest and able fellow workers, by the letter of Cardinal WISEMAN. He has written to me as follows:—"So this great 'aggressor,' writing his despatches from "the Flaminian Gate, was only an humble tool of the British Government. What can these men be dreaming of to give "up 'the World' for a religion which, as *they* construe it, treats "right or wrong as empty names?"

I pause here to elucidate the manner in which Cardinal WISEMAN became the tool of the British Government, so that the expression may not merely excite in your breast feelings of anger.

There can be no question that in writing those few words he performed a most important service to the Government. Had the idea spread, even among a few, that it was impossible for a Christian or a gentleman to enter an army which could be called on to perform such acts as those perpetrated in China, the Government certainly could not have continued in its course. That incipient disposition was crushed by the Cardinal. The service thus performed by the highest Catholic Ecclesiastical authority in England to the secular power, was one that by no possibility it could have performed for itself. It could no more pretend to touch the conscience of private men on such a question than it could coerce their free will. The power of that Ecclesiastical authority was an interposing power; it interposed successfully to crush the emotions of the natural conscience, and to bend it into submission. Yea, more; to convert it into participation.

This service, which the Government could not have rendered to itself, could not have been rendered to it by the English Church, notwithstanding its dependence on the "State," as that Church in resigning control over the conscience of communities has also fortunately surrendered the Confessional.

You, Sir, in one of the letters written to myself, since you quoted as an authority on your side this decision of the Cardinal, have seemed to shrink from the inference to be drawn from such quotation, and have said that you only pretend to give an opinion upon the case of soldiers or officers *already in the Army*. But as the examples given by you at page 4, of your practice as a confessor of soldiers, are cases in which you have been appealed to by soldiers in doubt, your habitual practice has been precisely analogous to the act of Cardinal WISEMAN. You have interposed your authority as a Priest and Confessor to override the natural conscience,

from which the original law written by the finger of God had not been effaced. This is going far beyond the mere neglect of instruction, which should quicken that conscience. If this and such like practice did really represent the doctrines of the Church, that splendid organisation, speaking of it as a mere worldly institution, would in reality be at once an odious and purposeless scheme for the corruption of mankind.

The *object* of Government is the maintenance of justice. The *result* of religion is the practice of justice. The first administers it externally between men; the second inculcates it in the heart. When Government ceases to be just and Religion continues to be true, then does Religion secure the liberty of a people in the observance of its Laws, and the faith of the citizen in the performance of his duties. This is no definition in words, but the real state of the case, divested of deceptive terms. When Government comes to consist in practices which it was originally instituted to put down, then of course it requires another name. So also does Religion, when it does not oppose such proceedings, but submits to them, or lends to them its active aid in overcoming the scruples of the troubled consciences of untutored men, who, in the extinction of all other capacity, retain respect for the visible interpreters of the religion they profess.

If no other aspect of the subject can avail to move your conscience, or to reach your understanding, I am not without hope that what I am now about to say may have that effect. It is this; that you place yourself upon the identical line adopted at the commencement of this course by the infidel. The servile obedience in matters of bloodshed was first enunciated under CROMWELL, for then took place the first informal War. The first sneer at conscientious compunctions in regard to such servitude proceeded from HUME. He does not, indeed, go the length that you do of defining inquiry as the "*perpetration of a presumptuous investigation*;" he only designates the refusal to take part in the War as an innocent and honourable fanaticism.

A writer at the close of the last century, speaking of HUME's remarks on those "sea officers" who (Spanish War of 1665) threw up their commissions, says: "A book that dictates such maxims of depravity is more pestiferous to the human heart than the sophisms of HOBBS and MACHIAVEL, or the impurities of ROCHESTER and CLELAND."*

The grounds assigned by these officers for quitting the service are here well worth recording. They were as follows:

"Individuals in resigning to the Public their natural liberty can bestow on it only what they themselves are possessed of, the right of performing lawful actions, and can invest it with

* Political Progress of Great Britain in Taxation, War, and Conquest. By James Thomas Callender.

"no authority of commanding what is contrary to the decrees of Heaven."

That there should be many who agree with you is not surprising; that all should be with you is natural, for you are one of them; and in yourself have worked out nothing new beyond the daring to put words on their practices.

The marvel is that there should be any to agree with me. Therefore is it that your voice is a great and a loud one, calling for effort in the reply. It is not that of one crying in the Wilderness and calling an unquiet people to repentance. It is that of one crying to the troubled consciences of the city, "be of good cheer;" and therefore is your voice loud though delivered in a whisper.

I have worked out for myself my own conclusions: for years I have stood absolutely alone: I have been daily challenging martyrdom in the various modes of infliction which the case presented. This is the counterpart of the content and satisfaction of conducting an unadventurous skiff down a facile descent.

You have pictured to yourself what my course would have been had I been a Confessor instead of a Diplomatist, and in one respect you have done so successfully. But I invite you to a further effort in order that you may apprehend it in the negative as in the actual part; the effort is worth making for it will bring before you your own position.

Had I been a Confessor I could not be what I am, because I should have been brought up to that calling, and so placed in a rut out of which I could not have travelled, and (in this age) within a narrow horizon which would have prevented me from seeing those very things, the sight of which first brought on me self-examination, then contrition and repentance, then formed in me the purpose of atonement, and finally furnished me with those weapons by which at last I have succeeded in awakening in some eminent and pious minds among my contemporaries, feelings akin to those which I myself have experienced and passed through.

To have been a Confessor I must first have been a Catholic. Had I been so the first germs of these thoughts, while as yet unformed, would have been crushed out by the authority of my Confessor: for how could I have expected to have had as a Confessor in this age such an one as that Dominican who, by the refusal of Absolution to LAS CASAS, first awakened the mind of that great man and great Ecclesiastic to the sense of its judicial blindness in regard to a mortal sin, which consisted, not in the slaughter, but in the holding in unjust bondage of his fellow-men?

Let me here parenthetically observe that that Dominican

considered the case in itself, and did not, like you, say, "If I am right in refusing Absolution in this case, all the other Priests and Bishops who have given Absolution have been guilty of mortal sin, which is impossible." How could evil ever be stopped if the existence of that evil was itself a reason for not resisting it, and even became a reason for calling it "good." It is precisely in the teachers that the evil must be stopped, because it is always with them that the evil must have commenced. They are "the salt of the earth," and have to preserve it from corruption.

Again, you put the case of what I should have done had I been a soldier. You say, "If you had been a soldier you would have been glad to have disobeyed, and died a martyr to your convictions." That is really bringing the matter to practical issue, and it can only be so brought. That is the manner in which Christianity was originally instituted in the person even of its precursor, and so only can Christianity (or even Law) be restored in an age in which both have been effaced from the heart of man and the business of the State.

You have nearly repeated the words I once used in the House of Commons. I said, "If there be a circumstance which I could, more than another have desired, it is to have been an officer employed in any one of those unlawful expeditions." But then I went to the practical application, adding, that (disobeying the orders of my superiors) "I might, by bearing testimony to the law, have redeemed, by my own blood, the nation from this delusion." This is the meaning of one man devoting himself for his people. How easy to stop this hideous and fatal course! Hundreds of thousands will expose and devote their lives for what they call the sense of honour; not one from a sense of duty. *Duty* they do indeed term their servility; but the only duty of man is to justice, which includes every sanction human and divine.

The sacrifice of the life of one soldier might have to be made whilst he alone was free from the delusions of the rest. But, a few being thus set free, the evil would be arrested with the greatest ease. The hopes that I founded on the Petition to the POPE had no reference whatever to any act of the POPE thereupon, or to any decision of the Council, but to the change that would have been effected by its means in the Roman Catholic body signing it. Had I, when in 1848 I obtained the pledge of the Premier that the "forces of Her Majesty should not be used except in conformity to the Law of Nations," had the tenth part of the support which I have now gained, that Minister could never have dared to have

* *Haasard's Debates*, August 11, 1848.

violated the pledge he then gave, and to which a single unsupported member of the House of Commons had forced him.

Now it is no longer a system conducted in secret by a powerful mind, it is no longer a country as confident of its power as contemptuous of all law at home and all rights elsewhere; it is a Government of weak pusillanimity, it is a country shorn of strength, exposed to assault, submissive to insult, and stricken with fear: a country presenting the unconceived spectacle of passing from the violence of lust for the territory of others into theories and schemes for the dismemberment of its own. These are the changed circumstances on which we have to calculate the effect of bringing to bear the resolution of, I will not say the Catholic Body, but of half a dozen Catholics of eminence, to put an end to this system at once infamous and perilous; so that then no just or honourable man would have need to hesitate as to placing his son in the British Army.

They want to place their sons in the Army and the Navy. I do not quarrel with them on this account; but that for which I reprobate and denounce them is this, that they do not take steps to prevent those who enter the Army and Navy from becoming assassins.

This in England can be done by a few men; elsewhere it is impracticable. The contrast in this respect between England and France I must insist on with the same pertinacity that you put in ignoring it, and for the same reason, that the point is capital and essential. In France martyrdom alone can be opposed to the torrent. In England integrity suffices; integrity at no other cost than of the words, "I have been wrong." But, alas, these are words which no man of our age can utter. The question was once put to me, "How many bishops have you 'with you?'" My answer was, "How *many* bishops!—gain 'one bishop and you have gained the world!'" The one bishop, then, in my mind was a LAS CASAS, and he remains to be found; but as to Bishops assenting to the necessity of re-teaching in the Catechism the nature of war, they are found.

So, also, are there infidels beginning to discover that war is not an abstraction, but an act performed by every individual in a nation, and bearing all the consequences thereof. A superior mind arising among them, that weapon of justice which the Church has forgotten to employ and trembles to resume, might be appropriated by them, and then would be enunciated in express terms, as an argument for disbelief, that which has been its real but unexplained source. From the moment that they can point to an exposition of the Law of Nations by one of their body (up to the present time those

who scoffed at religion have scoffed at law) they will be able to charge crime on Revelation. They will say, "that crime of all crimes the most odious and gigantic, making whole nations at once either felons or victims, that in its perpetration extinguishes all political liberty, and in its consequences brings taxation and debt to extend to future generations; that crime which we denounce and will put down—you, the Church, have not only not taught against or fought against, as you do in respect to petty pilferings, but you have positively consecrated and adorned with all the splendour of sacerdotal ceremonial, excusing the profitable sacrilege to a pretended conscience, by a worldly sophistry."

To this result nothing has so powerfully contributed as the false use of the term "Church," applying it to a certain body of living men. Against this has been raised another phantom of "State"—substituted for the ancient and authoritative designation, "King and Kingdom*"—one of those terms so agreeable to the modern mind, being at once abstract and ambiguous. In the one case the name is misapplied, in the other case it has no meaning at all. The Church is the body of Dogma and Ecclesiastical jurisprudence, with its Head and organs for the necessary application of rules to circumstances. The word "State" means simply existing, and can have no logical sense beyond the sum of the living men, *i.e.*, the people. Church, if taken as *cætus fidelium*, is again the congregation, *i.e.*, the people. The Church is for the world; and its use to the world, *i.e.*, the people, is to teach them "so to pass through things temporal, that they finally lose not the things eternal." There is, therefore, no antithesis between Church and State, and, therefore, still less can "separation of Church and State" be spoken of. But, then, this manner of speech, let in first by the presumption of Ecclesiastics putting themselves in the place of the Church, has come to serve as a justification for depriving the Church of its temporalities, and for the Commission in so doing of a heinous spoliation and usurpation, whilst opening the door in its accomplishment to all sorts of schemes and plots on the part of ambitious and designing men, who, by means thereof, arrive at the possession of the physical power of Empire, to use these for the disturbance of the world.

The most astounding consideration to me of this age is the loss of the sense of its power by the Church. It is perhaps not on my part a successful effort of the mind that has given to me the knowledge of that power, but it may have come incidentally only, as being the counterpart of my own work. My endeavour has been to do what the Church ought to have done. I did not

* The condition of a Republic would render itself in the magnificent phraseology of Latium "Senatus populusque Romanus."

reason about it ; I applied myself to the work. I was one ; that one was nothing. I had none of the means at my disposal which are reckoned necessary for succeeding or even acting. So thoroughly deprived of all such was I, that negative conditions only existed ; contempt and persecution environed me, anger was the result of every effort at making myself understood. Yet I have moved this great matter, and that which some time ago was held to be the last of subjects to engage the attention of any practical or rational man, is now admitted by men the most eminent to be the highest.

Suppose that I had had some years ago in Parliament the co-operation of half a dozen members, the result would have indubitably been that the lawless employment of Her Majesty's forces would have ceased. The character of England would have been changed, and the face of the world would have been so also. Should I not have had that co-operation had the Church to-day taught the Catechism of Trent ; or, in other words, had not the Church to-day disobeyed the decree of Trent by suppressing that portion of its Catechism which declares participation in an unjust war to be a mortal sin ?

But it is not half a dozen men that would have been against crime : it would have been the whole Catholic body !

It is not here so many against so many ; it is not that Catholics would have voted against "lawless employment" and Protestants for it. When nations decay, the truth is on neither side among the factions. Decay is arrested when the truth and the law finds —ay, if it be but one—an interpreter.

The reason then, why, the Church does not know its own power is, that the men who constitute it physically to-day do not understand the law—that law which gives sight.

This question, "Is lawless war murder?" has now been raised. That you can no longer prevent. It is an uplifted stone, and it must fall on the one side or the other.

Can you expect that men will draw a distinction between the "Church" in its canonical character, and the Church in the mere physical aggregate of so many living persons, when you yourself are doing your utmost to extinguish the difference ? Nay, much further do you go. You substitute the one for the other ; for what other meaning can there be in your words, "I am not accessible to any argument on this point, but I am to authority," seeing that it is the Canons of the Church that you treat as argument, and the acts of men that you call authority ?

You speak of the Ecclesiastics who agree with me not "daring to give their names." It was I who suppressed the names for the same reason that I suppressed yours. Therefore your term "dare" is without grounds. But why should it require daring

to answer your "objections?" Is it that they were too high to be reached, or too low to be smitten?

Then, unable to reply to the arguments, you invent a motive,—my conversion to the Church of Rome! This a reason for a laborious distortion of the Canons of the Church! If your supposition is correct, these have been distorted so as to be put in opposition to your correct view of them. It so happens that here, again, I can offer a conclusive denial. The writer in question did not seek me out; I sought him out, in a secluded district of France, and under such bodily suffering at the time that the small amount of communication which we had was at my bed-side. If there were design in the matter, it was mine and not his, for I proposed to myself to draw him forth from his cell and make him available for the world; and in that endeavour I have to return you, sir, thanks for having finally succeeded.

But what a confession is here made! It is no less than that your view of the character, dogmas, duties, and practices of the Church of Rome is calculated to repel men from its communion. For this is the converse of your proposition that the presenting of that Church in an opposite light was a device employed to draw me to it. It was owing to the study of the Canon Law that I, from a bitter enemy of the Church of Rome, came to respect and admire it.

I have gone through the guilt and frenzy of the times, rushing into bloodshed, not even hired and retained, and yet entertaining no "doubt" as to the righteousness of my act. So also even when a lad, being then a pupil of CÆSAR MALAN, I preached in the back lanes of Geneva against the modern Babylon and the Antichrist of Rome; and the height of my aspirations and ambition would then have been to make from that superstition a single proselyte. But if I have gone deep into these infatuations, I have come out of them with that experience which makes me what I am, and enables me to propose a plan of action to that immeasurably superior mass of the world that does not desire what is evil, but which endures, suffers, and perishes, because it does not know how to resist.

Further, I would ask by what right you malign those who are by name even unknown to you? We may hold very different opinions in regard to proselytism, for I cannot expect you to follow the ancient rule of being able to satisfy doubts, but never to raise them. But all men will hold it to be heinous to adopt indirect, insidious, and false methods to arrive at proselytism.

It is my duty to bear this testimony: that in all my intercourse with Roman Ecclesiastics, extending over so many years, and through all ranks of its hierarchy, that intercourse being in many instances of the closest and most confidential kind that can

exist between man and man, on no occasion has one of them so much as approached any doctrinal point, or, with me, deviated from that ancient rule not to attempt to shake the religious convictions of another.

For any Catholic knowing me to suppose that there was the barest possibility of my joining a Church that did not perform its most obvious and simplest duties, he must have been indeed a weak man, if not an insane one. The resumption of those duties would not depend on a certain Ecclesiastic agreeing with me in regard to them, but in the Church, in the canonical sense, declaring itself formally and solemnly, or in its Head enacting (as is fully in his competence) that restoration, and enforcing it. What to me can matter dogmas in the air, when the obedience and the life is not there? I judge the tree by its fruit; without that fruit, which itself is the real persuader, to attempt conversion seems to me the most odious of all the perversions of the human mind; and that they know full well who have the opportunity of conversing with me on such subjects. To this it is that I attribute the silence in this regard of all, Ecclesiastics I mean, who belong to your Church. For an upright and believing mind, the struggle is not between those who severally accept CHRIST, but between those who have a belief and those who have none. It is the latter who profit by the mutual proselytism.

Whether you might convert or not some Protestants by restoring to the Church its ancient character, grandeur and virtue, I know not; but this I do know, that you would arrest the progress of infidelity. You should be too happy that there are Protestants, even such as they are, in this or that kingdom. The gulf opening everywhere beneath your feet is a hollow and frightful cynicism, with the scoff and the jeer alone re-echoing through the abyss.

The POPE's words to a Priest leaving for *England* were:—"I enjoin three things—1. To speak the truth; 2. To teach the Catechism; 3. To avoid, above all things, *religious controversy*."

The Bishop of MAYENCE says, in his work on the Council:—"It is in the *sanctification* of the Church that we must place our hopes. When the Church shall have done everything with the help of GOD, to proclaim the truth of JESUS CHRIST, to defend its own liberty, to sanctify Christendom in its head and in its members, she may, with more confidence, address herself to those Christians who are separated from her communion."

To me, therefore, nothing can be more preposterous than this invented motive of yours for an exposition of the Canon Law,

which you cannot controvert, and are determined not to accept.

But now you object yourself to these very "Objections;" you are "not their author;" you do "not know who he is;" and you do "not entirely concur with them."

These are the words you have written to be published in a journal. Why do you not specify the points of difference? After careful scrutiny, I cannot discover (in regard to the points treated of) the slightest difference between the "Objections" and your printed letter, and your subsequent letters to me. But you say there are differences. I therefore call on you to point them out. If you do not do so, it is that you cannot do so.

I will give the incident of those "Objections" as it occurred. The copy of your letter containing them was made for me by——; it filled me with amazement. I had copies made of it and sent to several of those co-operating with me. By some it was considered not worthy of notice; in others it moved indignation. Seeing, however, that whatever it was worth, it was capable of producing its desired effect, that of arresting the signatures to the Petition, I judged it necessary to print it, together with some of the replies it had provoked *from Catholics*. In doing so I carefully avoided all names and all indications which might lead to the knowledge of the authors. I myself struck out such words at the beginning of your letter as might serve to identify you with it, and *not one word besides*; as I also struck out an irrelevant sentence at the end. In like manner I struck out from the answers every term or allusion that might indicate that it was a priest who had made the objections, as also those of disparagement applied to the writer. It was imperative on me to bring to light this secret and insidious hostility, and to expose its fallacious character; but my pen interposed solely for the purpose of erasure in the view of avoiding scandal to the Church, and of ensuring courtesy between the litigants. In the same spirit has my correspondence with yourself been conducted, though often at the cost of a great effort; for I had the knowledge of being attacked with unfair weapons, and not in open fight; that undue influences, discipline and authority, were used, and the whole of these employed against the justest and greatest of aims that it could ever fall to the lot of a human being to advance, and with the full consciousness on the part of my antagonist that in the pursuit of that aim I was swayed by no other motive than a sense of duty. That work, in the words of an eminent Prelate, is "God's work." That is the work against which you have set yourself; and yet I trust and believe that not a word has hitherto dropped from my pen calculated to arouse in you any human feeling which should prove a stumbling-block in the way of your

right reason, and prevent you from making wholesome and fruitful revision.

You have referred me several times to page 4 of your printed letter.

It is you who have failed to controvert my propositions ; and now you say to me, still with a show of maintaining a controversy, "I really shall be glad if you will take page 4, *maintain the contrary*, and then get the matter settled by some competent authority." This case at page 4 is an inextricable jumble of sentences, each in itself devoid of sense ; such as "pacifying a conscience," "present laws of War," "irresponsible commands of an officer," "form his conscience and go to battle." You ask me to maintain the contrary ; which must be, that a conscience is not to be pacified ; that there is no difference between past and present laws of War ; that we have not to do with "laws of War," but with *the* Canon Law ; that there are no such things as "irresponsible" commands ; and that going to battle is not the result of "forming" a conscience, but of destroying one. After all this, the paragraph of more than two pages concludes with assimilating the payment of taxes, to which we are as much constrained in England as they are in France to conscription, with the voluntary entrance into the Army. Nay, more constrained ; since a man in France, by sacrificing his life, may avoid the conscription ; but to sacrifice your life in England will not prevent the property you leave behind you from being distrained ; and this again only bears on the small amount left of direct taxes. What individual hand can touch customs and excise ? Of course those who pay the taxes, if they had possessed but a grain of sense, would resist and stop the imposition. But then that would be by combination, and not by a useless and impossible individual sacrifice. When I speak of taxes, it is to show to the people that they are concerned in those things which they call "Foreign Affairs," and that therefore it is their business to look after them.

Those flippant yet awful words of yours, "form his conscience and go to battle," impose on me the endeavour to make known to those persons who occupy themselves in words and phrases about subjects of which they know nothing, that the exercise of conscience in regard to the subject matter is not continuous, and does not commingle itself with the operations themselves ; whether these be battles, or plunderings, or toasts drunk, or wishes expressed, or hopes entertained, or any one of the acts external or emotions mental which constitute the murderous and inhuman existence of that felon and that slave who has hired himself for an illegal or an unjust War. It is once for all, that the act of conscience is performed. It is

commenced and conducted in the course of the perusal of the Declaration. If there be no Declaration then it has not to be undertaken at all, for there is no case on which to decide, and there consequently remains no "doubt" for the most wily of sophists to raise.

Let me place in contrast the Mussulman practice.

When War is to be made the *Fetva* is made known to the "faithful" by being read from every Minaret. It is made known to the *asker* or troops, by being read at the head of each batallion by the Tambour Imamy or priest. The *Fetva* so read is not an order from the commander-in-chief, nor a decree of the Divan, nor a Hattisherif of the SULTAN. It is a judicial sentence rendered on the case which has been submitted by the Divan or great Council to the body of the Ulema (Learned), who stand distinct from the political or popular organisation; just as did the Fecial College of Rome, who there also, and not King or Consul, Senate or People, decided on the justice of a War, and ordered its indiction.

It is not that here I mean to commend either the Romans or the Turks, or any of the other original religions or political systems, which all of them contained similar provisions, whether it be the grand Empire of which MENU was the legislator, whether it be a tribe of Red Indians. What I want to mark is this; that the human race in modern times in the Western world, and still pretending to the characters of a constituted society, and professing to believe in the religion of CHRIST, has sunk to such a condition of unparalleled infamy and baseness in this respect, that it does not take so much needful precaution as this, that it shall not be left to those who hold power in their hands to decide upon War with a foreign country.

In a letter which I have just received on the part of Catholic Prelates living under the sceptre of the Ottomans, I find these words:—

"We live under a Government which, whatever its other imperfections, still professes (?) to bind its own hands from shedding blood, except under conditions which render it a duty to do so. It does not become us (as Christians) to be less explicit."

For many years I have been declaring such to be the law and practice of the Mussulmans; but this is the first time that a profession or confession in this sense has been drawn from the present generation of Orientals.

Having mentioned the code of ISLAM, I must add that it provides equally for insurrection and civil war as for external war leaving it optional or open to doubt in no case, whether a man is or is not to take up arms. Whether it be an illegal act of the

sovereign that has to be resisted by force, or an illegal insurrection against him which has to be resisted by force—under no circumstances can a Mussulman shed blood save in reference to the merits of the case, and on the authority of a judicial sentence.

Such also was the rule formerly observed among Christians, or at least laid down and enforced by the Church. Of this our own history preserves perhaps the most memorable example. In the Council held at Winchester after the success of WILLIAM, it being impossible to come to a clear definition of the legal character of the war just concluded, the English Bishops under the Presidency of the Norman LANFRANC held to penance the soldiers on *both sides*, treating each act of each man as liable to the penalties of homicide.*

Let us look for a moment at *obedience*. In no system is obedience a duty or practice save in reference to the law that governs. Obedience to that which is not in conformity therewith is disobedience. It is consent to, and support of, an usurpation. It is in itself a crime, independently of the crime involved in its execution. You are acquainted, at least, with monastic discipline, which Protestants abhor because of its despotic and unreasoning pressure, and the passive obedience it enjoins. You know that this is not the case. One of the most pious and able of Frenchmen, writing to me in reference to this military oath, says :—

“Observe, too, that even in convents the monks, who voluntarily take the vow of absolute obedience, without restriction, reserve to themselves, not only the right, but also the duty of not obeying, when their superior orders anything contrary to the commandments of GOD. Monastic obedience is, nevertheless, regarded as the blindest obedience it is possible to imagine.”

In like manner, in the military system, in every, the smallest point, the regulations of the service and the Articles of War present the rules that have to be followed; and an officer giving an order at variance with these, is exposed to the penalties

* At a Council held at Winchester A.D. 1076, several Canons were made in reference to the war, which are thus described by Monseigneur Guérin in his recent history of General and particular Councils: “He who shall have killed in the war, shall do penance for so many years as there are men whom he has killed. If he has wounded without knowing whether he has killed, he shall do penance for so many forty days as he has wounded. If he is ignorant of the number of those whom he has killed or wounded, he shall do penance for one whole day in each week as long as he lives, according to the will of the bishop: or if he can, he shall build or endow a church. If he has had the desire to injure without having fulfilled it, he shall do penance for the space of three days.” A subsequent Canon of the same Council is still more remarkable. “Those who have fought, *having been hired for that purpose*, shall do penance in the same way as for homicide.”

provided for their infraction. So, also, are those under his authority equally exposed to the penalties of such infraction by their obedience.* But you, Sir, have such loose notions on the subject that you can speak of "irresponsible orders," and those to whom you address yourself can find meaning in such vain and contemptible speech. The Mutiny Act says, "*lawful commands.*"

Such being the strictness and the minuteness of the regulations, so as to render it impossible that authority should degenerate into abuse, one exception stands out, and by that exception whole nations are to be plunged into guilt, and suffering, and danger; all the passions of man's nature are to be let loose because in that one case an unlawful order is to be obeyed.

After all, the printed page 4 is mildness itself as it stands in the letter to Lord DENBIGH; the vigour of its purpose only comes out in the handwriting of your letter of the 25th to me referring to it. I am to get my counter-proposition to it "formally and publicly settled by *some* authority"! What authority? *Any authority but the Council.* A Council summoned by such a POPE as the present, raises, doubtless, painful impressions in the mind of those who commend existing things. You are very glad to get Petitions from Protestants because that may tend towards proselytism, or may be represented as such. But you have no mind for Petitions from Catholics. That would be "presumptuous investigation"

You did, indeed, in the passage of the letter containing your objections, which I suppressed as irrelevant, speak of referring the matter to sections of the Council. But this was in the very letter written to stop the signing of a Petition for that end, and was written to a person who had already signed another Petition. It was taking up two opposite positions to confuse the mind of your correspondent, without offending him. Had it really been your desire to appeal to the Council, you would, in your printed letter, have repeated this proposal, and not have excluded it, by proposing a reference to a perfectly different authority, the Inquisition.

You then go on to say that, "should the *Bishops*" (LAS CASAS' chief opponent was a Bishop; but the result of the struggle was that the POPE made him a Bishop) "on further investigating the subject, with a fuller view of its bearings, declare "me to be in error, they will remove the obstacle to my co-operating with you." Now, Sir, I have to tell you that, however grieved I may have been that any one of my fellow-

* I myself, a novice at the time, having once received from a superior officer an order on a most trivial matter (a light under undue circumstance on shipboard), and, being thereby troubled in mind, returned to him and asked for the order in writing. The order was at once withdrawn.

creatures should have opposed me on such a point, and still more should have taken the course that you have taken in such opposition, still your opposition has served me a thousand times more than any co-operation which it could have been in your power to afford. The cause in which I am engaged is not one that can be advanced by sophistry, however ingenious, and great, I admit, is the ingenuity with which you here transpose the terms so as to render convertible opposition and co-operation. These obstacles to your co-operation are next to be removed by measures taken by me, not by you; and those measures are to consist in the moving of a judicial and an authoritative decision on the part of some Body within the Catholic Church. This is to be effected by a private individual and a heretic! You have made yourself exceedingly safe in your concession, and taken ample guarantees against the possibility of the conditions of co-operation ever being fulfilled.

The work which I had taken in hand was to obtain a decision; you, having set yourself to oppose me, are good enough to say to me: Now, I will work with you for that decision after you have obtained it!

But what a revelation have we not here. If the matter has to be decided, it evidently is not decided; what, then, becomes of your authority? If you believe that it is decided, then the proposition is a snare. If you believe that it is not decided, then your whole case falls. No stronger proof to the logical mind can be afforded of the truth of my position than these artifices employed in an endeavour to dispute them.

When first your opposition arose, it was so entirely authoritative on the mere grounds of its emanating from a Priest, that the counter-propositions were treated with contempt because emanating from a Protestant. In reply to earnest letters written by me controverting your fallacies, I was told that, not being a Catholic, I could have no comprehension of such matters. On the one hand I was informed that Father SUFFIELD, "as an experienced Confessor, looked at the question in that form in "which it would come practically before him:" on the other hand, I was told that I had "strangely mistaken the very "groundwork of Catholic morality:" and thus the matter would have rested had I been contented to allow it to remain there. Not having done so, the strange contrast now presents itself, that it is I who am appealed to, to obtain a decision which is to relieve the Confessor's mind, and to make him sure that he is not (to use your own words) "a participator in murder."

There is in your printed letter, at page 7, the revelation, to me of the highest value, that a portion of the Catholic Ecclesiastics in England are not assenting parties to your doctrines, and that

they are troubled in mind by the existing state of things to which they have considered themselves obliged to conform. Further, you represent yourself as standing absolutely alone in the justification of that practice, and that, by doing so, you had exposed yourself to the extreme severity of blame. Nevertheless, in your letter to me of the 25th, you state that all the Bishops and Priests with whom you have communicated (and you quote ten by name) are entirely of your opinion. Here are the two passages :—

In page 7 you say, “ During the time of the Crimean War, “ at another period, and again quite recently, I have been “ personally blamed with extreme severity, not so much because “ my practice was like that of other Confessors, but because I “ defended it as being theologically correct, whereas it was “ imagined that some Ecclesiastics regarded such practice, even “ though followed by themselves, to be an abuse which ought to “ be reformed.”

In your letter of the 25th, to myself, you say, “ *All the Bishops, Theologians, Professors, and Confessors who have as “ yet written to me, signing their names*”* (do you suppose, then, that those who write to me do not sign their names ?), “ entirely “ agree with me, and utterly repudiate any opposite line to that “ I attribute at page 4 to a Confessor representing myself.”

I do not say that your statements are in contradiction, however much they may appear to be so. What I say is this, that there was, by your evidence, which I am ready to accept, a large amount of doubt and trouble in the minds of Ecclesiastics in reference to this most weighty matter. But, no one man having combined in himself the knowledge, courage, and dexterity necessary to escape from this condition, the aggregate of these doubts and troubles of each, remained only a frightful incubus on all. So long as the chief authority of the Church of Rome in England was actively engaged on the other side, the habit and practice of submission to superiors added its weight to the universal prostration. Now circumstances are altered ; an appeal comes from without, the subject moves the minds of the laity, steps are being taken with a view to the arrestation of the evil, repression ceases on the part of the high authorities of the Church, encouragement is given to the efforts made in an opposite sense, and then you, as an incarnation of the evil days, start up, and addressing yourself in private communications to these Bishops, Priests, Professors, and Confessors, puzzle and frighten them with the dilemma of self-condemnation for the past, as the consequence of reparation for the future. You say to them, “ Here is a heretic who charges us all with being guilty of

* These words are underlined in the original.

"murder" (which observe I had not done), "who proposes to take the Confessional out of our hands, and to become a new teacher of our flock. Will you declare that you yourself and every other Confessor who has confessed and absolved a soldier has been guilty of mortal sin?—that is the meaning of the Petition to the POPE."

But the extraordinary part of the story is, that as soon as you get those replies which you say are affirmative, you turn right round and say to this heretic, "Get the question resolved for us" (Priests and Bishops) by competent authority."

But are these replies affirmative? You give me names, but not extracts. The names are valueless, unless you give the words also. After the misapprehension of the meaning of your sole authority, Father ANTONIUS, I can have no assurance that you have not equally mistaken the meaning of living men. When I find you declaring yourself not to be the author of what you yourself have put forward, when I find you objecting to the very objections which you yourself have made, when I find you commending in extreme terms of panegyric the very Petition which you are occupied in resisting, I cannot accept you as a faithful interpreter of unknown words. A man who does not know what he has himself written, cannot be taken as an authority in respect to what is written to him by others.

There is indeed one name that you have used—that of the Peer to whom your printed letter is addressed; but not a sentence from him is given to justify the use of the name! You address Lord DENBIGH in a tone implying his entire concurrence with you. Have you any right to do so? You select as the recipient of your letter a man whose views, unlike those of the remainder of the Roman Catholic body, are neither unformed nor unknown. Lord DENBIGH alone—not among Catholics only, but Englishmen also—has, in his place in the House of Lords, declared of the acts of the nation as of those of private men, that they should be adjudicated on, on their merits only. Moreover, in a letter to the *Times* (December 3rd, 1867), he has laid down five propositions connected therewith. The third and fifth are as follows:—

"That an illegal war is legally murder, as much as the hanging of a condemned criminal would be without a warrant.

"That war which is both unjust and illegal is murder, and involves all those who are parties to it in the guilt of murder."

You could only address Lord DENBIGH, therefore, to expose this grievous error. Why, then, write to him? How write to him as concurring with you? A letter so printed had to be accompanied by the reply. Where is that reply? Can you produce it? Have you received any?

Thus whether it be citation of authority, interpretation thereof, inference therefrom, whether it be argument, whether it be original proposition, whether it be confirmation from assumed supporters, whether it be motives invented for adversaries—wherever, in fact, you have woven words into sentences, presenting the semblance of a meaning, and the hand is stretched forth to take them, the collapsed grasp returns empty. I assume that you have made the best and the most of your cause, and that it would have fared no better in the hands of another advocate: you, who wish that the land should not be lustrated from sin and pollution, have, and can have, on your side only the cowardice of subserviency and the *vis inertiae* of doubt. Silence was, then, your sole protection.

There remains my side of the case. The most eminent of the Bishops whom you quote I can cite as entirely agreeing with me. I enclose a letter to him from one of my friends (also a heretic) which being approved of by him, was forwarded by him to assist in our work. There are others in your list from whom I have received written or verbal approbation. You have not inserted in your present list one Bishop whom you before quoted to me as entirely agreeing with you. Yet he was actively engaged in obtaining signatures to the Petition to the POPE, which contains these words:—

“To your Petitioners it is a matter of daily pain and sorrow
 “to contribute to the maintenance of armies liable to daily mis-
 “use in this fashion, as mere passive instruments; still less
 “can they bear to see their sons entering services in which
 “conscience is liable to the tyrannous enforcement of obedience
 “to lawless and wicked commands. And more do they fear that,
 “carried away by the torrent of corrupt maxims, those sons
 “may learn, like almost all others, *to justify such blind obedience*
 “*in crime, and to disguise it by the name of duty.*”*

But admitting that the replies of all these Ecclesiastics were affirmative, what are we to say of the other Ecclesiastics in England? With your zeal in your cause, and your activity, your list must be exhaustive, and it may be fairly assumed that the ten you quote include all whose words can be construed into conveying assent. I say, admitting this, the array would not alarm but rather encourage me.

But I, too, receive letters from “Bishops, Priests, Professors, and Confessors.” I will not quote their names, considering such quotation to be alike indiscreet and superfluous; but I will quote some of their words.

In order to do so, I turn to the mass of correspondence that has had to be gone through to bring matters even to the point which they have at present reached; so that the few

* Petition to the Pope to restore the Law of Nations, published in the *Tablet*.

extracts I give are but indications of the spirit that runs through the whole. I may here remark that I will quote from no one who has taken part in our controversy.

A Benedictine writes, "I have written to —— to complain of 'the culpable indolence in England' (in regard to the petitions) . . . 'The consequence to draw from these incredible oppositions ought not to be discouragement; but, on the contrary, a more energetic and persevering resolution to maintain the truth regarding these fundamental principles of all human society. 'You work for posterity, and you must not forget the proverb of the ancients, '*labor improbus omnia vincit*.'"

Again, "he (speaking of a Bishop) is more and more enchanted with the enterprise, and more zealous every day for its prosecution."

A Bishop, personally unknown to me, but who, nevertheless, has authorised me to publish his letter, which I have not done from that same reserve which has throughout led me to suppress names, says:—

"Your fundamental idea, especially as developed in the 'Address to the Bishops of the East, is that of the return to Christian right (Droit Chrétien) which is the antithesis to modern Cæsarism. . . . Please GOD that it succeed, and that your letter to the POPE become the common ground of all superior intelligences whatever may be their religious convictions." (Le programme de toutes les intelligences d'élite, quelles que soient leurs convictions religieuses.)

Another Bishop: "I appreciate your patriotic and Christian efforts to cause to prevail in Europe a moral policy, and favourable to the true interests of humanity. It is painful that the civilised nations do not comprehend of what weight might be the Church of GOD in the balance of their future destinies."

Another Bishop: "I admire the luminous demonstration by which you render sensible to the touch at once the great perils and the great remedy of our social state. By the extension of your writings you will lead the Church to enter into the path of study, and thus you will render incontestable service to our so troubled epoch."

Again, "I do not doubt that GOD has given you a providential mission. Do not be discouraged by the difficulties that are raised in your path" (referring to your own opposition).

I will conclude with an extract from a letter from an English priest, a friend of your own, refuting your own "Objections:—"

"But this advice to place confidence in, and not too readily to question superior orders, really does imply, what you have good reason to disallow, that these superior orders are more likely to be right than

wrong. I would call the attention of those who have access to the book, to GURY's Moral Theology on this point. Father GURY's authority is of great value, and his work is very generally used as a manual of moral theology. The best edition, that which I now have open before me, is that which is edited by Father BALLERINI, who has added many annotations of great importance. In the "Treatise de Præceptis Decalogi," 5th Dec. Præc. Chap. iv., the question of a soldier doubting the justice of a war is discussed; and to F. GURY's answer, that unless the war is evidently unjust, a soldier is bound to obey, because it is not his place to examine the reasons of his superiors, F. BALLERINI adds the following note: 'LUGO deservedly notices, that an assertion made by some, that the authority of the Prince is sufficient to afford a probable judgment upon the justice of a war, is not always and universally true. For when I know,' says LUGO, 'that a Prince is constantly and capriciously ordering what is wrong, without any respect for what is lawful, how can I, from the mere fact of his orders, conclude that what he commands is right?' This judgment of a good practical theologian may help a director in the advice to be given to a soldier, who may take the alternative of disobeying an order to fight in a war, the justice of which he has good and conscientious reasons to doubt. The director is not to assume that the Government is sure to be right. And if the soldier, upon mature deliberation, feels that the cause he is called upon to defend is unjust, he must at any cost follow his conscience; let him in due and respectful terms ask exemption; and if the authorities still endeavour to force him, he will be justified in making any lawful resistance, and must pray to GOD to help him through the consequences. I do feel that if soldiers were not always too passive in obeying unjust orders, unjust orders would be given less frequently. In the days of the preaching of St. JOHN the BAPTIST, soldiers had consciences; and we read the following verse in Luke iii.: '*And the soldiers also asked him saying; And what shall we do? And he said to them: Do violence to no man, neither calumniate any man, and be content with your pay*' (verse 14). He was a good one to give such advice, for we know what he suffered for saying boldly to a dissolute king, *Non licet*. Those who would recommend soldiers upon every occasion to obey orders, assuming that they must be just, because ordered by the State, ought to bear in mind the following proposition condemned in the Syllabus of Eighty Errors in the late Encyclical: Prop. 39, '*The State is the origin and source of all rights, and possesses rights, which are not circumscribed by any limits.*'"

Your opposition has passed through a variety of phases. It started into being on wholly different grounds; one that the soldiers of the POPE had been incited by the Garibaldians to desert on the plea that the military oath was superseded by the higher duty of defending the cause of Italy; the other that the Catholic priesthood, if they signed the Petition to the POPE,

might be suspected of wanting to induce the Irish soldiers in the English Army to desert! These monstrous propositions I dealt with in private letters, and heard no more of them. Then, as it appears, you went home and sat down to the study of "moral theology," and so made the discovery of those maxims of the Canon Law which you have arrayed against me, reminding me of words which I have read in Père GRATRY, "I have seen the study of theology lead to the loss of piety." Your opposition thus nourished has been carried on by quotations contradicting your own propositions, by citations of passages excluding the context,* by the introduction of irrelevant matter, by the construction of marvellous and incomprehensible sentences, by never replying to the contradiction of your words drawn from authority, by flying off to something new and equally erroneous, while the whole is overcast by an approval in terms of the aims and objects which your endeavour is to disparage and arrest.

That object is an appeal to the Head of your Church and to the Council which he has called, to decide (*for the future not the past*) whether taking part in an unlawful War (*not unjust—that phase is long gone by*) is permitted to Christian men.

I here repeat what I have been daily saying, as it is the very basis of the whole argument. No Council has been held since this new order of crime has been introduced; and if it assembles without condemning it, the sanction of religion will be by implication conferred upon it, and religion itself will henceforth be but a superstition.

I could not receive in silence your letter. But I am, besides, satisfied that this correspondence should be so far prolonged, because its existence, irrespective of the perusal of its contents, may prove of the greatest service.

The effect which this course, if adopted by the Council, will

* "I have been looking at Father Suffield's authorities, *Gury* (the Jesuit) and *Scavini*. I have copied out the whole passages (being more than he has cited).

"Before the answer from Gury, which Father Suffield gives to the question, "*An milites belligerare possint cum dubio de justitiâ belli*," there is the following, which he omits. "1. Si agatur de milite subdito [i.e., a soldier subject, in contradistinction to a foreign mercenary] tenetur obedire *ubi bellum non est evidenter injustum*, quia non ad ipsum pertinent rationes superiorum examinare." The latter part is loosely put, but the former shows that he is *not* bound to obey where the war is *manifestly unjust, which is, in fact, what all recent wars have been*. Father Suffield also omits the following from Gury in answer to the same question. "3. Si agatur de milite nondum conducto [i.e., hired, apparently to serve in a particular war] tenetur *inquirere de belli justitiâ, nec in dubio de justitiâ se locare potest*. Ratio est, quia nemo potest co-operari ad spoliandum alterum re quam possidet, nisi sit *certus injuste eam ab illo possideri*." That is to say, he is to *inquire* before hiring himself; but supposing he does not discover until after he has hired himself that the war is unjust, is he then, *knowing* it to be unjust, absolved from any sin he commits? Does the *reason* given apply to one case and not to the other? It would be absurd."—*From Letter of an English Catholic Lawyer*,

produce on the aggregate world will be suspicion. The mass of men are weak, and weak men always suspect. That suspicion will receive plausible support by the contrast with the past. They will say, "the Church has hitherto very easily accommodated itself to what it now designates by hard names. It has sung its *Te Deums*, rather *Peans*, on both sides on every battle-field, has blessed opposing arms, has admitted the right of absolution in every wholesale shedder of human gore. How, then, is it that the same men who have done all this now speak with another tongue, and assume Lordship where hitherto slaves?"

It is not merely the enemies of the Church that connect its silence as to public crime in these latter times with the present condition of the World. CHARLES REMUSAT, in his life of St. ANSELM, after speaking of "*unjust Wars*, iniquitous laws, and acts of usurpation and oppression," in former times resisted by the Church, says, speaking of that Church to-day, "Has religion nothing to say on these things? and if it has, can the Church hold its tongue? Is she, docile to every powerful iniquity, to be alone on earth without a conscience?"

The Bishop of Mayence says, "Bitterly do we deplore that Religion should have rendered itself the *accomplice* of this policy, separated from GOD and his laws. . . . How many *Te Deums* have been chanted for victories which GOD cursed from the height of heaven?"

The Archbishop of Malines says, "The organisation of the great permanent armies is nothing else than a new sort of slavery, and is the merited chastisement of the insolence of our time."*

Monseigneur PLANTIER, Bishop of Nismes, says, "In the breast of the greatest people, in the midst of civilisations the most advanced and the most brilliant, the very idea of justice has perished in a most frightful shipwreck. Scarcely upon the surface of the Abyss do we see floating some fragments, scattered and mutilated, of the Decalogue."[†]

Professor MAUPIED says :—

"The people, witnesses of these upturnings (*renversements*) not merely of justice and duty, but of the simplest common sense, are scandalised; condemn and despise. They charge these violations of holy laws, of natural justice, and of common sense, upon the Church itself, and on that which they take to be her laws. Their reason rises in revolt, they draw away, and presently lose both piety and faith, because they are no longer instructed nor directed aright by the teachers given to them, through in-

* *Infallibilité et le Concile Général*, p. 168.

† *De la Restauration de la Conscience publique, par l'action de l'Eglise*, p. 9.

“trigue and adulation, and for the most part smitten with the “irremediable incapacity of vanity.”*

Of course these writers are speaking of France and the Continent; but is it different in England, where the new organisation of slavery—conscription—has not yet been introduced, where the Catholic Church is free from secular domination? I see no signs of such contrast, but rather the reverse. In France there are at least those who suffer and protest, there are those who know the law that is broken, and judicial blindness or public opinion does not crush all hearts in bondage and decay.

Thus reasoning and thus feeling, the world will conclude, should the future Council be inspired to deal with these great subjects, that—*there is a design*.

To know of the existence of such a correspondence as ours—and this a thousand may know for ten who read it or one who reading, understands it—is to counteract this impression. It is to render palpable to the vulgar sense that there is no design here emanating from Rome, no priestly pretension, nor cunning device; but simply a remonstrance from without which, exciting anger in the breasts of those who constitute the mass of that community, has at length found straight entrance into the consciences of some.

Whilst revising these sheets, I receive letters in reference to this very controversy. The first is from one of the most eminent Prelates of France, who, sending me a list of persons to whom he desires the “Sequel to the Appeal of a Protestant to “the Pope” (which contains your Objections) to be sent, says:—

“I find in the different articles from the *Diplomatic Review* “which it contains, an excellent exposition of the doctrine of “the Church.”

The second is from a German Bishop, even more distinguished; he says:—

“Having already had intimate knowledge of your views by “the *Diplomatic Review*, I am rejoiced to have this occasion of “expressing to you how entirely I concur with your efforts for “the re-establishment of the Law of Nations. May the General “Council lay the foundation of it by its decrees!”

The third is from a distinguished writer, and a professor of Canon Law. Speaking of what has appeared during the last six months in the *Diplomatic Review*, he says:—

“I agree with all that is therein contained.”

* *Le Futur Concile*, par F. L. M. Manpied, Docteur in Théologie, &c., p. 173. Paris Libraire de M. Poussielgue, 27, Rue Cassette. These strong words are not written in reference to such a violation of Canon Law as I am treating of, but only to having suffered the secular power to interfere with the appointment of Bishops.

An excellent exposition of the doctrine of the Church ! But how comes it that such an exposition is required ? How comes it that, if required, it does not proceed from a Catholic source ? How comes it that that exposition is not inserted in a Catholic Journal ? Finally, how comes it that no teacher in the Church has opened his lips on the matter, and that this same "exposition" would have been admitted into the columns of no Catholic Journal ?

As you alone have put approving words on what all men do, so have I alone put in words what men ought to do ; and as there have been found many who have felt satisfied with your words, so have there been found some to assent to mine. The two classes form different categories.

Turning back three centuries, we find the Church of Rome, whether by its then great writers, the teaching of its priests, and the decrees of its Councils, standing forth resplendently to oppose the will of GOD to the passions of men, and denouncing in unmeasured and unmistakable terms that particular form of perpetration in which those passions found their most malignant vent and their widest field. Then, as if collapsing after an effort, a dead and terrible silence ensues, and propagates itself over ten generations, during which, with the solitary exception of the notes to FERRARIS by the monks of Monte Casino, not an indication is to be found of so much as the preservation of the traditions of the past. Nor is this all. In the interval, from Catechism after Catechism is expunged the words, hateful to the powerful and ambitious ; and thus the Ecclesiastical body, passing to the other camp, has placed itself in the daily pursuit of its ordinary routine, whether negatively in the instruction of the young, or affirmatively in the practice of the Confessional, in permanent revolt against the Church, which, in the person of the last General Council, decreed those teachings, and in them that rule of confession which they have set aside.

The vulgar voice assigns as a reason for the subserviency of the Church to the secular power the desire to retain its temporalities. But I see another and a far more dangerous one ; the former, if existing in the heart (I speak of individuals) cannot be avowed even to the man himself, and must be known to be sin ; the other is avowed and will be considered to be, not only innocent in itself, but a praiseworthy exercise of religious zeal.

It is that to oppose secular Governments, and consequently those who uphold them, or are dependent on them, will be to endanger the authority of the Church, at present acknowledged by such Governments or individuals, and cause them openly to separate themselves from its communion. The argument will then be used that such a risk must not be run for the sake of the souls whose spiritual safety may thus be endangered.

Yet what is the meaning of such a plea but this: that the object of the belief inculcated by the Church is not a holy life?—than which nothing can be more at variance with her Canons and Catechisms, and all her really authoritative teaching. I need not go beyond the Catechism of DOUAY—already quoted—for the proof, if proof is needed. We are there told that the keeping of the Commandments is necessary to salvation, and this is proved out of Holy Scripture. Of what avail, then, can it be to preserve in some an outward allegiance to the Church by indulging them in the violation of its own Canons and GOD'S Commandments? Always must we come back to this point—and it is precisely the one that you will evade—do the Commandments of GOD require us not to kill except in a just War, and to refuse obedience to unjust, and by so much the more, illegal orders?

As regards the consequences to the Church of subserviency to the secular Government or the reverse, it has to be observed that the Church does not escape through this subserviency.

For a time, indeed, it has been satisfactory so to live. But this loosening of the restraints on the passions, having in course of time produced an overflow of violence with its consequent pressure of burdens in human lives and taxes, the reaction then comes against the Church, and that very differently from its effects on the Governments. They are in a fashion reconstructed, after a momentary convulsion; for the Church the fall is final as regards establishment, and permanent as regards infidelity. Of this, take the contrary. Had the Church not been subservient to the secular Power, then either the aberrations of the latter would have been restrained, or, if not, the people would have turned to the Church as the fountain of truth, because the teacher of justice and the refuge and protection of the oppressed. Let men philosophise and reason as they will, still do they follow the rule laid down by CHRIST, "By their fruits ye shall know them."

It is the worldly-minded and dishonest that will be retained by such compromise; it is the "men of good will," who have for object to live justly, who will be scandalised and driven away at the sight of those who sit in the seat of the Apostles of CHRIST, not daring to say to the present representatives of worldly power what those Apostles said to the Roman Emperor, "We must obey GOD rather than men."

If I have not hitherto dealt with the question of Absolution, it has been because I considered that my part was done when I had established the characters in themselves of the acts which I protest against. It remained with the Ministers of Religion, who hold it to be their duty to judge of the case of each individual, so as to absolve or to refuse to absolve him

from guilt, to say what their course should be in dealing with persons implicated in the acts in question. It is only because you, being one of those Ministers of Religion, come forward to repudiate the idea that those acts—participating in an *unjust* War—do render the participator therein guilty of mortal sin, that I now do propose to consider Absolution. I do so, of course, with respect to what the Church itself lays down; whilst it appears to me that your position is identical with that calumnious accusation brought against the Church of Rome by the fanatically pious amongst the Protestants, which is, that the Priest possesses inherently an absolute power over the eternal welfare of his penitent. It is sufficient to open the most elementary of your Catechisms to find the refutation of their calumny as of your doctrine (of course, in terms you will deny that this is your doctrine, but it is the direct inference, not from your practice only, but from your words also). The child is there taught that the “Priest has power to absolve sinners only, *“if they be truly penitent.”*” He is also taught that wilfully to conceal a mortal sin in confession, is itself one of the greatest of sins, that it is “telling a lie to the HOLY GHOST, and makes the “confession nothing worth.” It is evident, then, that the Church’s doctrine is that the penitent can only take the absolving words as an assurance of the forgiveness of GOD, on the condition of having truly confessed and truly repented. That the Church looks upon this being fully understood as a matter of great moment, is evident from the words that I have quoted being found in the Catechism for children. I apprehend that a Priest not teaching this, or teaching anything but this, incurs thereby himself mortal sin. This does not seem, it is true, to apply directly to the case before us; because here it is not the facts that are in dispute, but the law. It is not whether a certain individual has or has not committed a murder, but whether a particular act does or does not bear the character of murder. But, then, if the Confessor can only absolve conditionally because he has not the faculty of knowing, without possibility of error, either the past life or present condition of his penitent, so it must follow that he can only absolve conditionally in reference to the character of any particular act.

If a judge lays down the law erroneously, the law is not thereby altered; it is his decision which has to be reversed. If a Confessor misleads his penitent, and prevents him from exercising repentance, by telling him that an act which he has committed, or which he intends to commit, is not sin, when it is sin,—in what position, I ask, does either penitent or Confessor stand? It appears to me that the Confessor inflicts the deepest injury that one human being can inflict upon another; namely,

that of depriving him of the grace of repentance and the blessing of forgiveness.

If, therefore, you and others are in error in telling a soldier that he has nothing to repent of in having taken part in an unjust War, that is in having killed innocent persons, instead of benefitting that soldier, by administering to him the Sacraments, you do exactly the reverse. If you had this in your mind, surely you never could have put down the words, "We regard the Sacraments as *too essential* to be able to make them (as demanded) powerful instruments for advancing a good cause."*

Look at the words, "too essential." They are absolutely without meaning as here used, unless you believe that the Sacraments possess a virtue in themselves, instead of one which is conditional on their proper administration and reception. Had you understood this, it is impossible that you could have approached the subject in the spirit which you have done—a spirit which I can only designate as one of levity and presumption. You were not in possession of the necessary elements for judging the case that was presented to you, as appears by every word you have uttered upon it; and yet you rush to a conclusion which you act upon without reserve and without compunction. You fortify yourself by the practice of others, and this even when you admit that many of those others are of opinion that the practice is wrong.

For fear of any ambiguity, I must here explain that I have used the word "unjust" War, and not illegal; because it is the word of the Catechism. But as a practical measure, I only ask for the condemnation of *illegal* War, which includes the other. A War undertaken with the previous legal steps might still be an unjust one. But the soldier would then be placed in the position supposed by the Canonists (see especially FERRARIS), in which he need not himself make inquiry. The further measure of requiring each country to restore a legal tribunal, without whose decision the sword shall not be drawn, would afford all the guarantees that human means could supply for preventing the shedding of blood in War unjustly. Such means are held obligatory in all other cases, before the most obscure of human beings can be, not merely deprived of life, but sentenced to the most trivial of punishments.

Every line I read of yours, whether in direct statement, whether by implication, invariably conveys a sense the very opposite of the Canons of the Church. Thus your importance in the Sacraments lies in the sense of their being physically administered and received; what otherwise mean the words, "he needs

* Letter to Lord Denbigh, p. 14.

"the Sacraments"? That of the Canons lies in their being worthily administered and received. I find it most rigorously laid down, and that too in regard to Bishops, that these Sacraments shall be suspended, and so continue during a lifetime, for guilt of far inferior dye to that with which we are occupied, and not even for the commission of any penal offence, but merely for giving occasion to "public scandal." At the Council of Sardica, generally accepted as a continuation of the great Council of Nice, the first Canon denies the Communion, *even at death*, to ambitious Bishops passing from one See to another.

For every sacerdotal office there is an indispensable condition; and that is, competent knowledge, of which the Canon Law is the source. So essential is this condition that it is not reached, even in any abnormal case, by that inherent resource of all sovereignty—the dispensing power. I here quote a maxim laid down, not by St. AUGUSTINE, or any other Father, Saint, or Pope, whose words you can treat as a generality, because he lived a thousand years ago, and cast aside because you had learnt them in your youth, but a living man, Professor of Canon Law at the Roman University, and formerly of the Sorbonne. These are his words:—

"Knowledge, at least competent, is, of natural right, the first condition to attain either to the Episcopate, or to any Ecclesiastical office whatever. The want of which is an irregularity, from which there can be no dispensation, not even by the POPE."*

This knowledge is thus essential precisely because of the solemn character of Absolution and of the Sacraments, and in reference to their due administration; in which administration doubt cannot enter.

Every line of every authoritative writer is directed to substitute certainty for doubt in regard to conscience. Every line that you write is with the view of substituting doubt for certainty, and this attains your end. It is sufficient to raise doubt to stop action, and your business has been to stop the taking of a step which should put an end to doubts that have been raised.

The Interdict applied to whole Nations. In such cases the refusal of the Sacraments and all other offices of religion to every single member of the community, was applied to the suffrance of the crime of their Sovereign, and was not a penalty inflicted on them for their own individual acts. In this the dogma of Rome differs in no respect from the Law of Nations, which holds every individual guilty in the guilt of the State. Hence the supremely solemn character pertaining to the Act

* M. Maupied.

termed "Declaration of War," which is no other than a sentence of death pronounced against a whole people.

By the Interdict the Church declares its right (*i.e.*, duty) to hold the humblest in the land and the *whole of these* responsible for the act of the rulers. By this new code of "Moral Theology," the act of the ruler (not himself held to account) discharges every subject from the penalties attached to his own particular act.

The individual act of repentance did not suffice to obtain relief. Relief was contingent on the successful adoption of political means by the whole community to enforce on the Sovereign repentance and reparation. The interdict was the religious coercion: it was the equivalent for the Declaration of War. Both were judicial operations, having in view the resistance to evil and the reparation for wrong, and being requisite for the maintenance of peace on earth and goodwill between men. Thus it was that, so long as either law prevailed, the disturbance of peace occurred in centuries only, where now it occurs in the space of years or months.

I have said in a former letter that "the historical value of "General Councils was the recalling of Ecclesiastics to the "study of the Canon Law, which goes much further than even "the Law of Nations, in reference to War." If any one will take the trouble to peruse the various works that have recently appeared in reference to the Council—on the Continent I mean, for in England as far as I know, no work of this description has appeared—he cannot fail to be struck with the amount of historical and canonical knowledge possessed by individual men, scattered over Europe.

It indeed forms a remarkable literature, and also a consoling one. It is the revival of history—history in its encouraging aspect. From it I select two points, but they are transcendent ones. The first is that no General Council has assembled without taking steps to arrest the disorders of the times. The second, that the General Councils have invariably applied themselves to the rectification of abuses in the Church itself (I use the word in its vulgar sense); and these Councils have denounced in the most unsparing and energetic terms, Priests and Bishops, being itself composed of Priests and Bishops; not being constrained thereto by regal power, which they resisted, or by public opinion, which, instead of following, they endeavoured to enlighten.

But the recorders of these acts, when they pass to the present times and endeavour to make the application thereto, utterly fail: the distinctness disappears and the landscape dissolves into a mist.

Duties are according to circumstances. If those of our times are difficult, it is not an excuse that is offered for their non-performance, but a necessity that is imposed for performing them. This duty is that of the "scribe instructed into the kingdom of heaven, who brought forth out of his treasury things new and old;" that is, who brings the old law to bear on the new contingency. This is what these writers had to do, and which they have not done. I will endeavour to show why they have not done it, and what were the difficulties presented by the age, which they have not been able to resolve.

Between this first Council of the VATICAN and all preceding General Councils the world has undergone a change. In former times when Councils were held the use of generalities had not been introduced into the common speech; the Press was unknown; men were not divided on theoretical grounds into hostile political armies; the Conscription did not exist; Cabinets were unknown; there was no secrecy in public business; and there was no diplomacy.

Thus there was no mystery connected with the affairs of the world unfathomable to the Churchman in common with the rest of the community. It was exactly the reverse. Churchmen were the depositaries of the learned language in which affairs were treated; they possessed the science of the law, which indeed they made to be known even when they did not succeed in causing it to prevail; and they themselves occupied the posts of high officers of State, of ambassadors and envoys. All that Governments were engaged in was better known to Churchmen than to any one else.

The case now is absolutely reversed. The mystery of affairs has deprived the very Governments themselves of the knowledge of what they themselves do, and of the parts they are made to play. The whole is a chaos equally for rulers and people, and the class (if a distinction can be at all drawn) which is furthest away from the comprehension of anything, is the Priesthood.

Père GRATRY asks, how "among all the men who cover the surface of the Globe, there is not one who takes justice for the real end and object of his life?" The answer is simple and terrible. Justice is exercised in judgment; judgment bears on cases, that is the business of States. The knowledge of these has vanished, for there can be no knowledge of what is done, where there no longer exists a rule of conduct. Thus the very idea has disappeared of undertaking that study by which a man can attain to the faculty of judgment, so as to bear the fruit of justice. It is one frightful result of the diffusion of what is called culture and knowledge, by means of the Daily Press and the multitude of books, that it is scarcely

possible to conceive even one, at least in the upper ranks of society, who is not continually and actively taking part in the guilt of the nation, by forming and expressing opinions respecting its acts, which he reads of in the papers merely as news. And so it comes to pass that each man ceases to be even negatively pious or honourable.

Here, you will perhaps say, comes in the Catholic doctrine of invincible ignorance. But, so far as I have been able to arrive at an authoritative explanation of its application, I find that it is not applied in general to such truths as are capable of being understood by the natural conscience, but only to remote consequences that may be deduced from them. On the other hand, we know of a certainty from Holy Writ, that there is a blindness which does not excuse but does condemn; and that blindness is precisely the one common to our days, embodied in our daily speech—as when we call ourselves “civilised,” and boast of our “progress,” and “enlightenment”—the blindness of presumption. Our Lord said to the Pharisees, “If ye were blind ye should have no sin; *but now ye say we see; therefore your sin remaineth.*” And so He said: “For judgment I am come into this world, that they which see not might see, and that they which see might be made blind.” Exceptions no doubt there are, and I have come upon them myself; there are those who do not at least share in this presumption, and there are those who, without knowledge distinct enough to resist, yet do not approve, and do in secret lament. Into such category would come your doubting soldier. But then, Sir, according to you, it is precisely such who are to be condemned as “presumptuous.”

The effect of this state of things is not only to deprive of light and purpose, but also to extinguish courage in the breast of man; and without pre-eminent courage no stand can be made against any evil, not to say an evil overriding all obstacles, wielding all power, and subduing all hearts.

Thus it is that the revival in this age of the Canon Law, and its re-application to the conduct of communities requires the aid of the metaphysical and the diplomatic elements, no traces of which have I yet found in any one of those who have treated (however admirably in other respects) the past history or the present use of a General Council.

To make that application there requires, combined in one and the same individual—for all great designs must emanate from a single head—the knowledge of the Canon Law, the knowledge of the Law of Nations, the knowledge of metaphysics or the use of terms, the knowledge of diplomacy or the circumstances of the world. And that knowledge in each case must be perfect; for, unless perfect in each, it cannot be combined in all. Unless the

Church of Rome possesses a man thus qualified, it is impossible that the Council can deal with human society and avert its ruin.

But independently of this contrast in the circumstances of our times with those of the ages in which former Councils have been held, there is another far graver, and which consists in administrative changes, by means of which the opportunity of anticipatory judgment has been withdrawn from the individuals composing the nation.

In former times, when the case of a War presented itself, it was brought at once in the most solemn and practical form before the whole people. It was then impossible to "*slip*" or to "*drift*" into War, because :—

1. An embassy had to be sent.
2. War had to be proclaimed before being made.
3. The troops and money had to be found and raised by the assent of public bodies convened to that end.

Embassies are now permanent.

The prerogative of Peace or War belongs to the Minister.

The feudal law has disappeared, and the army is permanent.

Taxes are permanent.

So complete has been the change effected in the minds of men by this substitution of organisation for judgment, that, a case of War arising, the maxim prevails of abstaining on that very account from all exercise of judgment, and that not merely among the vulgar, but in the very political body which calls itself "omnipotent." The words, "negotiations are pending," suffice in Parliament to close the mouth of any member who would curiously inquire into a difference that had arisen with a foreign Power, out of which War might come.

No writer on Councils who has not perceived this alteration in administrative habits, in warlike organisation, in diplomatic intercourse, and in taxation, could bring profitably to bear the science acquired from the methods of the past to the rectification of the evils of the present. If any one had had this perception he would have shown it. Not one has done so. Thus it is that they have no plan to suggest, and content themselves with referring to some vague influence which the Council has to exercise over the legislation of different countries in reference to concordats, or education, or over those abstract notions which are called "public opinion." All this, no doubt, gratifies the feelings and excites the enthusiasm of those who already believe, and who are attached to their religion, but does nothing towards instructing or disciplining them: it excites among the others either contempt or animosity. So the effect produced is only an exacerbation of those dogmatic polemics which men and reli-

gions fall into, when they lose that precise appreciation of acts and estimate of conduct without which men cannot be truly religious or logically just.

The Council then presented to me—except in so far as I believed I had fathomed the mind and purposes of the Pope himself—nothing but danger. If in this conclusion I was correct, it followed that to those who carried on the actual system, this Council would be at best but a matter of perfect indifference.

But a change has taken place. The Council has ceased to be a matter of indifference. Active measures are being taken, emanating from the highest quarters, with the view of misdirecting its course and paralysing its efforts. These proceedings emanate from men who have hitherto treated with scorn the Syllabus, and have laughed at Papal Infallibility. I refer not only to proceedings of public notoriety, but to others also, and such as are far graver than any of those which have become matters of news. My conclusion therefrom is, that some persons somewhere do now apprehend that this Council may become the means of bringing back the Priesthood of Rome to the study of the Canon Law, without excluding from their science and their practice that branch of it which treats of War; and that consequently it will place a bridle on those hitherto unrestrained passions of men possessed of power, by dispelling the judicial blindness which has settled upon the eyes of the Nations who have intrusted to them their destiny.

In this work I expected England to take the lead; by reason of the disseverance there of the Catholic Church from Government authority, by reason of the absence of conscription, by reason of the independence of the bench, and by reason of a nucleus of men having been there formed, Catholics amongst the number, who had made the Law their study and their guide.

You, Sir, have arisen to place yourself as a stumbling-block in the path. But, fortunately, you came too late to hush the first small voice which has reached the Papal throne, and which has prompted the repetition of similar sounds elsewhere, the echoes of which may yet be heard in distant times.

These last two letters I publish, omitting names. What you have written to me is what you say to others, or at least a part of what you say to others. I know that your activity is great; I cannot tell how far it extends. It is not in my power to reach the bounds to which the evil can be spread by you. All I can do is—and that I must do—to endeavour to place the antidote within the reach of those who, having accepted the poison, may still desire to test and know the nature of what they have taken

for food. I have hitherto written to you with the hope that it was in error that you were acting; but your last letter has disabused me of that illusion. We have no private knowledge of each other, and no grounds of intercourse, save those of a public nature.

I am, above all, determined in so doing by your imputing dishonest and dishonourable motives to those who have confuted you, and whom you have been unable to answer. They are foreigners, and you have done so, notwithstanding the knowledge you possess that English Ecclesiastics, without the slightest communication with me, and who most probably never heard my name, still dissented from your views of theology and morality. Whilst, further, you have asserted that in such views you stood alone, and were thereby exposed to extreme censure.

A Catholic priest who has only seen your printed letter, and has taken no part whatever in the controversy, wrote these words: "Father SUFFIELD, whether he wills it or not, is enrolled in the army of evil, and never will you gain him."

I have the honour to be, Sir,

Your obedient and humble servant,

D. URQUHART.

FATHER SUFFIELD'S AUTHORITIES.

September 14.

ABSENCE from England, travelling, and other occupations, have delayed the appearance of this letter. In the interval two fresh incidents have taken place. The first, is a letter addressed by Father SUFFIELD to the *Diplomatic Review*. Out of this I will take but one point, which is his reply to the arguments of the French Ecclesiastic, who had shown that the authority on which he rested his case, Father ANTONIUS, was against him.

Upon this Father SUFFIELD writes :

"I suggested a passage from ANTONIUS as affording a com-
pendious form in which a proposition might be presented. If
"the Ecclesiastic considers that such is on his side, the quotation
"ceases to be useful for that object; let him take the following from
"Ballerini."

Was ever reason in this fashion urged? Did ever any man advance a proposition and support it by a quotation contradicting it? Did ever a man, on being shown that the quotation was against himself, say, "Well, be it so, here is another," and thereupon copy out of his library another passage, contradicting himself exactly as the former one had done. Let us take a parallel case. A schoolmaster is overheard teaching a child the laws of gender in the Latin tongue, exemplifying his theory by this quotation, "*bonus femina*," the bystander interposes, and shows that *bonus* is masculine, and *femina* feminine, and therefore it is a solecism to say *bonus femina*. On this the schoolmaster answers, "if that will not suit, you take this: *malus femina* is good Latin."

There lies before me a printed, but "not published," letter in reply to Father SUFFIELD. It is not by me, or by the "French Ecclesiastic," or the "English lawyer," and though no names are given, these are not problematical. The writer, neither a lawyer, an ecclesiastic, a casuist, nor a Protestant, but a devout lay catholic, addressed a deferential letter to Father SUFFIELD on the appearance of his letter to Lord DENBIGH, showing that his quotations from Father ANTONIUS did not justify his use of

them; but, on the contrary, that they were authorities to be quoted against him, and on our side. I subjoin the passage from that letter:

"For in this state of things, are not the words which you quote, '*quamdiu nulla probabilis ratio in contrarium occurrit, quæ ipsius dubium positivum afferat*,' of infinite import? They seem to me to state almost all that is wanted. But how remote are they from the modern—nay, recent—idea that even a certain knowledge of the injustice is not to free from the acquired obligation to kill, burn, ravage, and destroy.

"The next passage which you quote also seems to me sufficiently striking—'*at extranei nondum stipendio conducti belli justitiam investigare debent*,' &c., &c.—that is, they must not merely recoil on the occurrence of a grave doubt, so as *then* to commence inquiry (which is already stated to be an obligation on even already enlisted subjects), but the foreign hireling about to enlist must *begin* by investigation, even unprompted by any serious doubt.

"Now such '*extranei nondum stipendio conducti*' are very much in the position of all British subjects enlisting for any known special expedition. Our army is entirely one of Volunteers, the Militia Ballot not being in use. The man enlisting at the beginning of a war, or a war already proceeding being the occasion of his enlisting, and the man who enlists in a permitted levy of volunteers for a special service like that of Sir DE LACY EVANS's Legion, is surely very much in the condition of those others, '*nondum in stipendio conducti*.' They have not even as yet acquired any degree or kind of accidental obligation."

Giving up Father ANTONIUS, what is the authority which he substitutes for him? It is that of BALLERINI.

BALLERINI will be found already quoted in the foregoing letter, at page 40, by an English priest, in refutation of the doctrines of Father SUFFIELD on Theology and Morality.

The second incident is the receipt of extracts from letters, written by some of those persons whom Father SUFFIELD mentioned in his letter to me, of the 23rd, as agreeing with him. These letters were sent by him to the office of the *Diplomatic Review*, with a request for publication, the names being suppressed. As he soon after wrote again to have them returned to him, extracts only were sent on to me by the Editor of that paper. Amongst the names appended to these letters I do not find that of the Bishop whom Father SUFFIELD claimed as being on his side, which claim I disputed on the grounds that the same Bishop had expressed his approval of a letter of one of those working with me, which letter is appended to the present publication.

These letters, which I have this day received, consist of six from Ecclesiastics, of whom four are Bishops, and three from laymen, besides one from some one whose name is illegible,

EXTRACTS FROM LETTERS.

No. 1.

BISHOP — TO FATHER SUFFIELD.

June 23, 1869.

I have read your pamphlet carefully twice over. I see no exceptions to take against your conclusions. They are, I believe, quite sound and unassailable.

No. 2.

DR. — TO THE SAME.

July 20, 1869.

The doctrine you lay down is perfectly correct, and supported by concurrent opinions of theologians.

No. 3.

BISHOP — TO THE SAME.

June 20, 1869.

There are many principles for forming consciences on the morality of acts which seem to warrant your statements. [He then gives some in Latin, which are not quite legible.]

The existence of a state might be in peril if the orders of the executive might be disobeyed, or their execution delayed till the soldiers could make up their minds upon the lawfulness of a war.

No. 4.

BISHOP — TO THE SAME.

June 29, 1869.

I am still forbidden to work, and I cannot give any opinion about your work.

With regard to your question, a sovereign has three *tituli* upon his own soldier *subjects*: Allegiance; Protection of Fatherland; Oath, if required. With *conducti* he has the *oath* and justice for the pay they receive. During the Crimean War we had a German Legion. They were *conducti*; all English soldiers were *subditi*.

No. 5.

BISHOP — TO FATHER SUFFIELD.

June 27, 1869.

Your letter to Lord DENBIGH seems to me fairly to express the teaching and practice of the Church on the point in question. A soldier is bound in conscience to obey his commanders. No *doubt* can free him from this *certain* obligation, and, as the information of any private individual must always be defective when compared with the information of ministers of state, it is only in extreme cases that certainty could be obtained. A war

undertaken by the Turks for the extinction of Christianity, or a war undertaken to drive the POPE from Rome, are wars certainly sinful, and no Catholic could, without sin, join in them; but in all other cases, where there is only doubt, even grave doubt, as to the justice of the war, the soldier is in conscience bound to obey orders and fight. The responsibility rests with those who decide upon declaring war.

No man is bound by laws that are evidently sinful. We must obey GOD rather than men; but there would be an end of all order in society if every member of society were free to transgress a law whenever he doubted its justice or expediency. Nothing but absolute certainty that a given human law is a violation of the divine law can justify the subject in not obeying it.

[He then points out the distinction between (1 and 3) at page 10 of Father SUFFIELD's letter to Lord DENBIGH. It does not appear of much consequence. He concludes thus:]

An Englishman, who believes that the Government is not likely to engage wantonly in unjust wars, is free to enlist. Once enlisted, his case is like that of (No. 2), he is bound to fight, doubt or no doubt.

No. 6.

REV. — TO THE SAME.

July 18, 1869.

My own opinion is strongly on your side. I do not see how society is to be kept together if soldiers are to be the judges of the lawfulness or unlawfulness of a war. There is an extreme case of antichrist, or an antichrist engaging in war expressly and publicly for the purpose of extirpating Christianity as *such*, and in that case we all hold that a Christian soldier should refuse to fight, and should suffer martyrdom instead. But short of this case, the responsibility of a war rests, not with the soldiers, but with the supreme civil authority.

[He says, also, that a soldier may fight against the Holy See as a temporal power.]

The same rule applies to the regular army of Italy at this day, so far as the soldiers themselves do not adopt the political and religious opinions of their leaders, and (a word illegible) directly against the temporal authority of the Holy See. It does not apply to the Garibaldians, (1), because they are volunteers, (2), because they engage in war with the wish and intention to deprive the Holy See of its rights. It does not apply to the officers and soldiers of the regular army if they, by word and deed, commit themselves to the war against the temporal and spiritual rights of the Holy See.

There is a passage in your letter with which I especially

sympathise. It is too long to quote, but it begins, on page 14, with the words, "Some persons have a rash and unsound way," &c. I do not know if, in writing this, you had in view the editor of the *Dublin Review*. But he, and some others, by "getting hold of a principle," and riding it to death, are really doing more injury to truth and the cause of solid learning than they seem to be aware of.

In these days we must be cautious what we write, otherwise, without deserving it, we may get a bad name. I am in every way a defender of the temporal power of the Holy See, but I dare say what I have written would be condemned as rank heresy. I hope and believe it is not.

It will be seen that in all these letters there is not a single new point introduced, whether in the way of authority or argument. They exhibit entire absence of any defence of present practices, on the grounds of religion, law, reason, or policy.

There are some of the expressions used that deserve to be commented upon, showing, as they unmistakeably do, that the writers are not acquainted with the subject upon which they give their opinion. It is also evident that they have only seen Father SUFFIELD's own letter, and not the answers to his "Objections." And as in his letter to Lord DENBIGH he does not deal with those answers, nor give the substance of them, but only refers to them in such a way as to misrepresent them, his correspondents were most unfavourably situated for writing upon the subject on which he called for their opinion. They—Father SUFFIELD's "authorities"—have only seen the case as he puts it, that is a way calculated only to mislead and bewilder.

Nos. 1 and 2 contain only a bare assent, and call for no remark.

No. 3 is a melancholy specimen of modern "moral theology."

The expression, "principles for forming consciences," is Father SUFFIELD himself. By "forming a conscience" he seems to intend to express the necessity of arriving at the exclusion of doubt, so that the individual may be unimpeded in an unlawful act. The admirable rules for the removal of doubt contained in the canons are thus perverted into producing such results as they were intended to prevent. Blind teachers foster in their scholars complete indifference to right and wrong, by the silencing of doubt, not by resolving it. For the special inquiry required to resolve doubt, they substitute a "general principle"—the *soldier's oath*. This is to relieve him from all necessity of knowing whether the man he kills be innocent or not.

But if this really be so, if the oath to man supersedes the oath to GOD, then the soldier has no business to doubt at all, and of course no need to consult a Confessor, or himself to consider or inquire. He doubts in reference to some particular War; the Confessor does not enlighten him; he knows no more about the War in question than his penitent; he sees no necessity for knowing anything about it; although another human being has come to him for light, he, the Confessor, remains contented in his own darkness, and he says, "Remember your oath, form your conscience, and go to battle." These are the principles for forming consciences approved of by the Bishop who wrote letter No. 3.

In the next sentence he takes upon himself to consider what is to become of a State in which the soldier presumes to question the lawfulness of an order, and arrives at the conclusion that it is very unsound and perilous. In doing so he adopts the precise forms of worldly politicians and mercenary writers. He protests against an order being "delayed until the soldiers *could make up their minds upon the lawfulness of a War.*" He does not know of the distinction between the lawfulness and unlawfulness of an order, or the justice or injustice of a War. He knows nothing of obedience being enforced by *notorious acts* (Declaration of War, &c.); so that there is no "delay" to take place, no "making up of the mind" required to find out whether an order is lawful and a War is just.

This Bishop imagines to himself an *army in the field* refusing to follow its commander. Than which nothing can be more removed from the case before us. If the country is attacked there can be no question as to its defending itself. If not attacked by foreign forces, and yet war is made, it is not on the battle field that the formation of the soldier's conscience has to take place, but on the mere fact of the declaration or no declaration of war, which precedes all operations.

Would the State have been imperilled had the Government not been able to employ soldiers and sailors to invade Afghanistan, to bombard Canton, to march upon Peking and burn the Summer Palace, to destroy the fleet of an ally at Navarino, to bombard Kagosima, to annex Sindh or Oude, &c. Not one of these transactions could have taken place, if the Law of England and of Nations or the Canon Law were observed among us. How did the Roman State co-exist with its Fecial College, if this Bishop judges rightly of human affairs? Was it imperilled because no soldier, to use the words of PLUTARCH, "*was allowed to draw his sword until the Fecials had decided?*" VATTÉL begins his chapter on "*The Declaration of War, and of Wars in due form,*" by quoting the example of Rome, and says, "By

“such scrupulous delicacy in the conduct of her wars, Rome laid
“a most solid foundation for her subsequent greatness.”*

The peril of our present state is very great, and it consists mainly in this: that those whose business it is to warn and teach are themselves uninstructed, uninstructed both in the circumstances with which they have to deal, and the law that has to be applied. For little would it matter that politicians were corrupt and incompetent, that the people were base and subservient to whatever wears the shape of power, that other religious bodies should have made their religion to consist in attending to small duties, or creating fictitious ones, and neglecting “the weightier matters of the law,” of which the first is JUSTICE; did there exist in the Catholic Church Prelates and Priests capable of dealing with the times in which we live.

In all this discussion one major point is lost sight of, which is, that it is not the soldier but *the officer* that has to be thought of. Did officers throw up their commissions, as some did in the time of CROMWELL, unlawful war, and hence reckless bloodshedding, might cease. If the Catholics understood and acted upon this, at least the honour of the Catholic Church would be saved, and its use to the world would be demonstrated. But far more than this would follow. The face of the world would be changed, even in England, for the Protestants for very shame would have to follow. The present blindness and shamelessness exists because all are alike, and in “another’s guilt, each sees his own.”

The writer of Letter No. 4 gives no general opinion, but replies to questions. In reference to these I beg to refer him to the foregoing letter, in which he will find the same point dealt with at length, particularly as to the Feudal System, which existed when the Canons were made, and to the changes that have since taken place in everything connected with War and Government. For evidently it cannot be right to apply special rules laid down under special circumstances, to a totally different set of circumstances.

Letter No. 5 is again but a repetition of Father SUFFIELD. It is evident that one reason why all censure from ecclesiastics

* In an elementary history of France by M. Duruy, late Minister of Education in France, the following passage occurs:—“In the year 390 B.C., the Gauls invaded Italy, the Senate sent three Ambassadors, three Fabii, &c.” “The Fabii became irritated at their pride, and, forgetting their character of Ambassadors, took part with the besieged in a sortie. One of them, Q. Ambustus, killed a Gaulish chief in the sight of the two armies, and stripped him of his arms. At once the barbarians ceased hostilities against Clusium, and demanded reparation from Rome. *The whole Fœdial College insisted in the name of religion that justice should be done.* But the credit of the Fabian family prevailed; the guilty were absolved, and the people, as if stricken with madness, gave to them three out of the six offices of Military Tribune,” (p. 35). The Roman Army was completely defeated, nor did they regain courage until one of the Fabii had accomplished the expiatory sacrifice.

has been wanting for our criminal wars, is that the perfectly just and necessary maxims, applied to cases of real doubt arising from a difficulty of decision in respect to a regular and lawful manner, have remained in the mind of each, learnt in a mechanical manner, and have been by him in ignorance applied to cases perfectly different; cases of flagrant injustice, and in which all legal forms are wanting. It is easy to conceive in our days how this should come about. But if the cause is small the consequences are terrible. The writer of Letter No. 5 accepts as a proper condition of things that Ministers of State should keep secret the causes for which they order the Army and Navy at their disposal, "to kill, burn, and destroy." He does not know that such secrecy itself stamps the hostilities with the characters of murder by the Law of England, and of brigandage by the Law of Nations.

For the sake of the writer of this letter and the others, of whose good faith I have no reason to doubt, I will here give a few quotations from Vattel, who only develops more precisely the general maxims laid down by GROTIUS and his predecessors. Under the chapter, the title of which I have already quoted, he says:—

"A Declaration of War being NECESSARY, as a further effort
"to terminate the difference without the effusion of blood, by
"making use of the principle of fear, in order to bring the
"enemy to more equitable sentiments, it ought, at the same
"time that it announces our settled resolution of making War,
"to set forth the reasons which have induced us to take up arms."

"It is NECESSARY that the Declaration of War be known to
"the State against whom it is made."

"It is NECESSARY for a nation to publish the Declaration of
"War for the instruction and direction of her own subjects."

The causes which can justify the taking up of arms by any State are as accurately laid down by the Law of Nations as by the Canon Law, and they are all comprised under the head of a wrong done to us by the opposite party, for which redress is refused. When, therefore, causes are assigned for a war which do not come under such a definition, or when a War is undertaken without such a cause being assigned for it, it is not doubt, but *certainly* that each human soul in the land should possess that such War is a crime. For to be certain in such a case as this requires no particular knowledge or abstruse learning, but simply a sense of natural justice. All that is wanted is to apply to the public transactions what each man is required to know and to act upon in his private capacity.

I request the writer of letter No. 5 to consider this, and then to reflect on the examples he give of Wars that are "*certainly*

"*sinful*." He supposes only two such. One is a war by the Turks for the extinction of Christianity, the other, one to drive the POPE from Rome. I do not dispute the criminality of these motives to War, but I ask on what grounds they are more certainly criminal than any other war, the motive of which is likewise to achieve some end proposed by those who undertake it, and is not called for by wrongful acts on the part of the State to be attacked? Does he suppose that the criminality of a War for the extinction of Christianity depends upon the Christian Religion being true, and not upon the intrinsic injustice of attacking a nation not guilty of any wrong towards you, whether for the purpose of making it change its religion or any other? If it is *certainly* sinful to make war for the propagation or the extinction of a religion, why is it less certainly sinful to make war for the purpose of forcing a country to allow a poison to be sold to its people? One of the legitimate reasons for war, as laid down by Pope NICHOLAS V., is "*the defence of the Laws of your fathers.*"

In the same way, how is it more "*certainly sinful*" to make War for the purpose of driving the POPE from Rome, than for the purpose of driving any other Sovereign from his dominions? The POPE, as a temporal Sovereign, holds his territory by exactly the same right that protects other temporal Sovereigns. It is his enemies who seek to put his tenure of his dominions upon an exceptional footing, that they may find reasons for dispossessing him.

The writer of letter No. 6 appears to see this; for he holds that a soldier may fight against the Holy See as a Temporal Power. That is the strange way in which he is reduced to express himself, because he, too, desires to justify blind obedience towards their gods—men in power. Still he does say that the regular soldier or the Garibaldian Volunteer would not be justified in attacking the Holy See "*for the purpose of depriving it of its rights.*" Here at last we come to something definite. He distinguishes properly between one reason for attacking the Holy See and another. But then why is it more clearly wrong to attack the Sovereign of the States of the Church unjustly, and for the purpose of depriving him of his rights, than the Sovereign of Naples, or of Hanover, or of Austria, or of Afghanistan?

I must remark that the case here supposed has occurred; Catholic soldiers took part in a War which deprived the POPE of part of his dominions by a perfectly unprovoked attack, against which robbery he has never ceased to protest. *Did any one priest refuse Absolution to or even require contrition to be expressed and penance performed by a soldier, or even an officer*

so engaged? I have never heard so. On the contrary, I have been assured that the case was considered in France, and that it was decided the other way.

If there is one thing which can be deduced with certainty from FATHER SUFFIELD, it is that the actual practice of Confessors is to be taken as the proof of what really is the doctrine of the Church. Here, then, his case hopelessly breaks down. One of those wars which he and his authorities hold to be "certainly sinful," was not treated as such by Confessors, any more than those other wars which he does not hold to be certainly sinful.

The writer of No. 5 does not, I am happy to say, agree with Cardinal WISEMAN. For he only says that "an Englishman *who believes that the Government is not likely to engage wantonly in unjust Wars* is free to enlist."

FATHER SUFFIELD'S second authority, FATHER BALLERINI, quotes approvingly from LUGO the words, "When I know that a Prince is constantly and capriciously ordering what is wrong, without any respect for what is lawful, how can I, from the mere fact of his orders, conclude that what he commands is right?"

Here LUGO and BALLERINI suppose that a private individual can know for himself that what is ordered by the Prince is both wrong and unlawful. I ask the writer last referred to, how an Englishman could believe that a Government is not likely for the future to engage in unjust Wars, when he sees that the habit has now for a long period prevailed of perfect recklessness in the matter of War, amounting to the disuse of all precautions against its being unduly waged, and all forms in the prosecution of it, and when hostilities are undertaken by any subordinate officer all over the world at the command of a Consul or the request of a Missionary; or on his own motion and caprice? As, for example, the smuggling transaction in Mexico, which led to the blockade of a Town, or the murderous attack of the Lieutenant of a gun-brig on unoffending traders in the China Seas.

These letters are a remarkable confirmation of what I had already written as to the effect which would be produced upon FATHER SUFFIELD'S correspondents by his having placed the subject on an erroneous footing. None of these Bishops and Priests have one word to say on the subject beyond that of approving of the soldier—and the soldier in England who has voluntarily placed himself in that position—being held to a blind obedience. Not one word about the present state of Europe, which the head of their Church has so strongly denounced and deplored; not one word of the approaching Council called by him to "prevent human Society from falling to pieces."

It is hard to suppose that if the subject had been placed before them in another light, some expression of a desire that their Church should be able to bring about this great end, and that England might have a part in the work, would not have been uttered. Unless they are prepared to deny that the POPE has said with reason that human society is in peril, I ask them to consider how the Church can act towards re-establishing the observance of the Law of God between communities, how she can help in putting down reckless blood-shedding, faithlessness in the observance of treaties, excessive taxation, and the spirit of unbelief and licentiousness which is the natural result, if she allows to all secular Governments a complete control over the consciences of their subjects in respect to blood-shedding? Will the Church at the approaching Council, I ask, sanction an obedience to be exercised by soldiers towards their officers, and by officers towards their generals, which she does not allow to be practised by members of her own religious orders towards their Superiors? If the Council does not sanction such sacrilege then it must forbid it, and must clearly lay down the conditions under which, and which alone, the faithful can lawfully exercise the profession of arms.

As a last remark; none of FATHER SUFFIELD's "authorities" are men who have distinguished themselves on this subject by prior studies or works. They have merely been invited to pronounce opinions on it by him. Not one of them is known beyond the sphere of his professional existence. On the other hand, those Ecclesiastics whose words I have quoted on my side, are men who have distinguished themselves on these subjects, nearly all of them having obtained a European celebrity.

I now come to a lay "authority." The subjoined extracts are from a Member of Parliament.

LORD — TO FATHER SUFFIELD.

July 18, 1869.

I beg to thank you particularly for sending your letter to Lord DENBIGH.

I write one line, as your last paragraph seems to invite it, to add that I entirely agree with its purport, and this declaration may possibly have some significance, coming from me, as I should rather incline, by the drift of my own arguments and views, to the opposite conclusion. I once wrote an article in this sense in the *Tablet*, September 28, 1861, entitled, "International Law AND the Law of Nations," of which the ultimate tendency might be to some such conclusion as that which you controvert; not, indeed, the identical conclusion, for I think, I may say,

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that if I recognised it as a legitimate deduction from my argument, I should be prepared at once to renounce it as a *reductio ad absurdum*. My argument at most tended to awaken a more *general consciousness of responsibility* in the matter among mankind—a responsibility general, *uncertain*, and *indefinite* in its nature, and not such as would *overrule specific certain and primary obligations*. And certainly if there is a primary obligation in life, it is that which BINDS THE SOLDIER TO HIS SUPERIOR OFFICER, FOR THE WHOLE ORDER OF THE WORLD DEPENDS UPON IT.

I cannot conceive a more subversive principle, or one more calculated to disorganise the world, and throw it permanently into a state of anarchical and internecine strife than that which Mr. URQUHART advocates. In my opinion it will indefinitely aggravate the horrors of war, and would moreover carry the cold iron into the very soul. Thousands, who now gain Heaven in the battle-field would die in a state of hopeless perplexity and despair.

I shall be much surprised if the Church, whose primary object everywhere is the individual soul of man, should ever affirm this doctrine. But if she does so, she must begin at the beginning, and prohibit every Catholic from being a soldier on the same grounds that she forbids her children from entering into the secret societies, not because they are secret, but because they bind their members to obligations, the nature of which are not revealed to them beforehand.

Again, so far from its being the interest of society that this should be done, it appears to me that precisely because the soldier is essential to the preservation of society, society has the right of putting the soldier under the conditions and safeguards under which alone he can be serviceable. The most important of these conditions is that he shall be in a condition to act with others to whom he shall be bound, and who shall be bound to him. Without this "*solidarité*," there can neither be soldiers nor a defence of society, and this "*solidarité*" Mr. URQUHART's principle infallibly destroys. And it is not as if Mr. URQUHART promised us universal peace as the alternative. On the contrary, his argument proceeds on the assumption of the frequency of unjust wars. The consequent necessity of society to keep itself in readiness for defence must be admitted on both sides. And I apprehend that Mr. URQUHART himself would concede that the righteous cause must depend mainly on its own following rather than upon defections from the other side [*sic*] through the operation of Mr. URQUHART's principle. Is not this a reason why in the interests of society at large, and by the common consent of mankind, the soldier should be placed in a category apart. And I maintain that there always has been this common under-

standing among mankind, and that it is among the first principles of the Laws of Nations.

Would it not be monstrous that society, *which in most parts of the world begins by impressing the soldier through conscription into its service*, should refuse to take the responsibility on itself, and should *refuse to leave his soul free when it takes forcible possession of his limbs and life*; and it must be noted that the soldier, by voluntary enlistment, the moment he surrendered his freedom, remains under exactly the same constraint.

If, then, the Church takes action in the matter, it seems to me that it must be, first, by cautioning all men against becoming soldiers, and, secondly, by denouncing conscription as a crime which calls to Heaven for vengeance.

If it is not presumptuous, therefore, in me to say so, I think you have only done an act which becomes a Priest of the Church acting according to the spirit of the Church in endeavouring to prevent the crushing weight of this responsibility from being thrown upon those who, from the point of view of moral freedom, are among the most helpless and dependent of mankind.

THE SAME TO THE SAME.

July 29, 1869.

(The writer gives Father SUFFIELD leave to use his letter, but desires some corrections to be made in case it should be sent to the press. He would rather, however, that it should not be published, unless Father SUFFIELD said that the publication would serve a good purpose. He then proceeds:)

I might as well mention, in case you do not happen to be aware of it, that the controversy in question is not started now for the first time. The idea was broached some twenty-five years ago in the *Tablet*. The late Mr. F. LUCAS, if I remember rightly, left the editorship of his paper in charge of Mr. CHISHOLM ANSTEY during a period of temporary absence. Mr. ANSTEY was then hand in glove with Mr. URQUHART, and wrote a series of articles in the same sense as those written in the *Diplomatic Review*, which produced a rupture between Mr. F. LUCAS and Mr. ANSTEY upon his return. I remember hearing the circumstance related, but I have never read the articles in question, nor can I tell you the exact year, but you would have no difficulty in ascertaining the facts by turning to the back numbers of the *Tablet*.

THE SAME TO THE SAME.

August 5, 1869.

[This is in reply to one from Father SUFFIELD in answer to the last about Secret Societies.]

I wish to say that Father —— has slightly misapprehended my meaning. The Secret Societies may be condemned on many grounds, the condemnation varying in its stringency as rash or historically (*sic*) on account of their antecedents, but they are absolutely condemned, and it is this condemnation which unites Catholic opinion against them, because in taking an oath, the nature and obligations of which are unknown to them and concealed from them, they come into collision with the principles of morality.

This seemed to suggest a parallelism. If the soldier is to be invested with a new responsibility, and if he is henceforth to decide as to the justice of the wars in which he is to be engaged, he either cannot be allowed to take an oath of enlistment for a definite period, or if that is absolutely enforced, then the whole calling and position of the soldier must be condemned. He can only be allowed to take the oath of obedience (an essential condition of military life and organisation) upon the ground that he is not to be held responsible for his acts of obedience; otherwise he is in the same case with the members of the secret societies.

I had commenced by underlining passages in these letters to save the trouble of comment; but as I went on, absurdity succeeded to absurdity, and monstrosity to monstrosity, so as to baffle all attempt at selection and discrimination.

Here is a man, not a legist, not an ecclesiastic, not a diplomatist, not a soldier, having acquaintance with none of the elements of judgment, all of which have to be combined to enable any man to understand the matter, who rushes with the self-sufficiency of ignorance and incomprehension into this debate, to scatter sophistic phrases over all things human and divine.

If human society rests as its primary obligation on the blind obedience of the soldier to the officer, that Society must be in a very bad plight, seeing that *no such blind obedience exists*, except in the one solitary exception of attacking a foreigner and an ally of the QUEEN without legal authority.

The writer's knowledge of history may be gathered from the remark that Society has *begun* by Conscription! Does he then confound conscription and the Feudal system? Has he never read a history of his own country? Is he entirely unaware that standing armies did not exist at all until after England had be-

come a Protestant country? Has he never even heard of the struggle of protest and warning made by the patriotic party in the two Houses of Parliament, after the Revolution, as to the consequences of standing armies? One consequence, however, they did not foresee, that which this correspondence clearly develops, which is that the habits of mind and conscience, created by standing armies, have perverted not only men's sense of morality, but of religion. In this letter the writer supposes that "*Society*" can decide upon the eternal fate of individual souls; for he says that it is not fair for Society when it takes possession of the "life and limbs" of soldiers not to "*leave his soul free*"!

The incident out of which arose the former discussion referred to by the writer, may be worth recording.

On the occurrence of the first lawless brigandages in Afghanistan and China, I applied myself to the Church of England to obtain a day of fast and humiliation, and I appealed to the Archbishop of CANTERBURY to excommunicate the QUEEN. I mention this to show the nature of my purpose, the neglect of no opportunities, and the shrinking from no means for stopping at its origin this deadly and sickening malady. Seventy-five members were indeed got to vote in the House of Commons for inquiry, but no Priest or Bishop was got to move in a Diocesan Assembly a day of Fast. Some, indeed, were brought to seriousness and to sadness; but when the point of action came, the emotions of the mind of each fainted before the consideration of his circumstances; opinion to be disregarded, and that opinion of all others deadly, the opinion of the religious world—preferment to be risked. In one case a mitre was promised as the reward of silence.

At last, on the failure in Afghanistan, I was somewhat listened to; and several of the London journals reproduced my letter to the Bishop of EXETER on "The duty of the Church of England in respect to unlawful Wars." In that letter I had contrasted the Church of Rome with the Church of England, showing that the former had never, like the latter, abandoned the claim to direct the consciences of men, and to adjudicate on the acts of Princes.

This letter was seized upon by the Catholic journals as an occasion for self-laudation, which necessarily produced from me the reply that their "Church" was one thing, but they themselves another, and a very different, thing; and that although possessed, in their records and traditions, their system and their Canons, of a magnificent inheritance, they themselves knew nothing thereof, and in no respect (at least for the better) differed from their Protestant fellow-subjects, who stood in respect to thoughts

as backwoodsmen to Society, cut off from all memories and without one humanising association.

And so it was that for a short space the subject of "International Law" became an available topic for leaders in the columns of a Catholic journal, and for bitter animosities among contributors.

Let me here pay a tribute to the memory of Bishop BAINES, and of his successor, Bishop BAGGS, to whose zealous co-operation I owe the first step taken in the true direction—the establishment of a Chair of Jurisprudence at Prior Park College. To this we owe (in a reprint of the first course of lectures) that invaluable work, by means of which it has become possible for a human being, born in this present chaos of thought and morals, to emerge from the surrounding gloom into the light of nature and of day. I refer to the "Guide to the Laws and Constitutions of England," by Mr. ANSTEY.

A SOLDIER'S VIEW OF "BLIND OBEDIENCE."

(This letter is the one referred to at p. 38, as having been approved of by one of the Bishops quoted by Father SUFFIELD as agreeing with him.)

The Priory, Bath, July, 1869.

MY LORD BISHOP,—As my mind is always occupied with the subject upon which I had the honour of speaking to you, I take the liberty of putting some points that I may not have put in my interview with you.

One of the chief points in the correspondence is, that doubts can and do exist as to the duty of a Christian in respect to War.

Before considering the justice or injustice of a War in itself, there is the preliminary point of the proper formalities that have to be observed ; for it is clear that, even if one nation injure another, the injured nation, as a Christian people, cannot pass the sentence of War (or Death) without having demanded redress ; the Declaration then gives the cause, the means taken to obtain redress, the failure of those means, and the final sentence of kill, burn, and destroy.

VATTEL, insisting on the 'absolute' necessity of Lawful, or legally declared, War, quoting GROTIUS, says, "that, according to the Law of Nations, two things are required to make War solemn and in due form : 1st. That on both sides it should be made by the authority of the Sovereign.

"2nd. That it should be accompanied with certain formalities. Those formalities consist in the demand of a just satisfaction (*rerum repetitio*), and the Declaration of War at least on the part of him who attacks : defensive War requires no declaration."

HUME, in his History of England, *Anglo-Saxon Government and Manners*, says, "It was enacted by King INA that no man should take revenge for an injury till he had first demanded compensation."

Now, if we would inquire into the justice of a so-called War of this age (for instance, China), all offensive Wars on the part of England, what do we find?

First, looking at the legal point, we find that the military operations were made, 1st, without the authority of the Sovereign; 2nd, that they were not "accompanied by certain formalities." If we wish merely to decide on the justice or injustice of these Wars, we need go no further.

Again, take the War of 1859, offensive on the part of France: this War was certainly made by the authority of the Sovereign, but hostilities were not accompanied with the necessary formalities. There was not, and there could not be, a *rerum repetitio*; for France had received no injury from Austria, but led her armies to kill, burn, and destroy the people of Austria, giving as the motive, "The Unity of Italy." Again, would we decide on the justice or injustice of this War, there could be no room for doubt.

In private life we still recognise murderers and burglars; but if civil law fell into the same disuse, a murderer would only have to say that he put to death a private family for an idea, to justify his crime and save him from punishment, and also to have himself considered a public benefactor, although the same murderer might largely profit by appropriating the property of the slain.

The Catholic Church justly condemns as guilty of mortal sin assassins who, by private contract, murder on public grounds, either public or private individuals. Dr. MANNING, yourself, and others have very justly condemned Garibaldians, Fenians, and others, refusing the Sacraments unless they repent of their crime; but after all, what are the deeds of these misguided men, compared with those of every Government of Europe (except the Holy See)? Their power is far more fearful, their character far more revolting, and their example far more demoralising. Comparatively speaking, few are misled by the former; but with regard to the latter, the evil is so interwoven with our literature and our manner of thinking that there is scarcely a man in Europe who either is not misled, or, if not, who dares to grapple with our prevailing frenzy.

It has been objected by those who find a justification for these things that the Canon Law does not deal directly with the Declaration of War;* but as you very well said, all Catholic Theologians begin by the Natural Law or the Duty of Man to his neighbour,

* It will be seen by a reference to the Article on FERRARIS in the *Diplomatic Review* for July, that the Canon Law does require a Declaration of the War as the first condition to render it lawful.—See "The Military Oath and Christianity," p. 24.

very rightly applying the words of St. JOHN, "How can a man love GOD whom he has not seen, if he love not man whom he has seen?" and, of course, the Catholic Church, as the Preceptor of men in their public as well as private capacity, begins by dealing with the most important duties—those of the nation—before proceeding to those individual ones that follow as a matter of course. And what is more certain, more just, and therefore divine, than that if my neighbour commits an offence against me, I must, before taking steps against him, require satisfaction; and only on this being refused, am I at liberty even to appeal to the Magistrate against him; and this being clear in the minor case, how much more true in the major, where, instead of appealing to the Magistrate, I act myself—one individual being concerned in the one case, millions in the other?

Again, Secret Societies are condemned by the Holy See, because it is contrary to the Christian Faith, that men should bind themselves to act on the instigation of another person; but is not the soldier who, by our modern perversions, is taught to look on the order of his commanding officer as supreme, very much in the same position; and is not the perversion even worse, for many understand the fallacy of the Secret Society, but very few understand the second? European Governments have degenerated into bodies acting on all important matters in secret; and one result of this is that it has become the universal habit in Europe to bring together large masses of men, and to separate their interests from their fellows, in order that they may be led to believe that the commands of men override all the Law of GOD and every duty of man to his fellow-man.

Speaking as one who has been actively engaged in these Wars, I can only feel that, repenting of my active part therein, the only act of reparation that I can make is to work unceasingly that such crimes should not be forced upon unconscious men as duties. And as a soldier, I feel that that discipline, which is supposed to depend on the blind obedience of a soldier, does not exist in the Armies of Europe, nor can men, without the higher feeling of duty, be depended upon on trying occasions.

It is an appalling state of things that in Christendom, which has the advantage of the teaching of the most sublime and simple Law which has ever been revealed to man, the practice of nations composing it should have become more infidel than that of people we despise as Pagans, but who, at any rate, acted up to the Law of MOSES, as far as they knew it. Our condition is this; that large bodies of men are trained to be ready at any moment to slaughter without question their fellow-creatures, and that they are not withheld from doing so by religious teaching.

In conclusion, I beg your leniency for any faults of exposition on my part, and that you will separate them from the important subject I have tried to treat.

Believe me, my Lord Bishop,

Your obedient Servant,

May, 1869.

R. POORE.

SUMMARY—TWO DANGERS.

I may now sum up this discussion by setting down precisely and concisely what I take to be the two dangers which beset every mind for the first time applying itself to this subject, and against which it has no protection whatever, save in those legal studies and that metaphysical discrimination which are of necessity wanting in the supposed case; which is that of persons occupying themselves for the first time as adults with matters in which they ought to have been instructed when children. These dangers consist in two terms, because those terms in the vulgar mouth are erroneously applied.

1. The "LAW OF NATIONS." This expression is now made to convey the acts of nations. No man so using it can be upright. To be honest it is needful that a man should know that this term applies to the rules which regulate what a nation *ought to do*. Then also may he get understanding, and will reprove and convict whoever uses the term in a different sense—reprove him if he be a weak man who has accepted a fallacy—convict him, if a designing one, plotting against his fellow-creatures.

Had the Church adjudicated upon the acts of Governments as they took place, this fatal mistake could never have been made of taking for Law the crime which is against the Law, and putting it in its place.

2. The "CHURCH." This term is now vulgarly used to designate the people who call themselves Catholics, as distinguished from the body of doctrines and ordinances with its organisation of Head and members. By this substitution judgment is extinguished. Sense or integrity can be restored only when people speak of themselves as "we" and not as "Church." Then the distinction can be drawn, and it can be said in each particular case "*we* do so and so, but the *Church* commands so and so."

I am induced to set down these remarks in consequence of receiving from a Catholic the following words:—

“To propose an improved course of conduct for the future means, in other words, that the *Church* has been culpably negligent for the past—an admission which neither I nor any other Catholic can for a moment allow.”

Here is a conscientious and devout man, a sincere believer, and an ardent lover of right in itself, who sets himself against attempts to rectify what is wrong in our times (which wrong he fully admits), solely because he has a fallacious term on his lips. If, instead of “Church,” he had said “we,” or “the people,” the sentence would not have been written; for he could not have gone on to say, “an admission which neither I nor any other Catholic will allow.” Of course, no man in this age will individually admit that he has been wrong; but no man will propound as a maxim, applicable collectively, that no error shall ever be admitted.

In this case, the special point of my propositions so combatted was observance of a decree of the Canonical “Church;” a decree of the last General Council set at nought, not by any counter or partial decree, or by a papal bull, or by any decision of any kind by any authority whatever. It was the suppression of most essential passages in the Catechism of Trent. The “Church” had enacted that Catechism; the people, priests and laymen alike, had altered it, or endured its alteration. When this, after three centuries, is brought to light, instead of horror and indignation being awakened in upright minds, it is approval of the deed, and anger against the discoverer. Why is this? It is because they have been in the habit of commending themselves in every possible manner, that one of these methods has been to call themselves the “Church.”

The writer of the words I have quoted knows full well that many Catholics, and those of the highest order in capacity and station, agree with me, and therefore admit what he declares no Catholic can admit. The cause of this blindness is still the same. The inveteracy of the habit of considering themselves the “Church” overrides at once internal reason and external sight.

As the writer of these words, if he were asked what he meant by the “Church,” would answer, “I meant the Ecclesiastics as distinguished from the laymen,” it is necessary to point out that no one Priest ever can be the Church in this sense, and, therefore, no number of Priests. It is not numbers that constitute being; all the Ecclesiastics scattered over the face of the earth, were their numbers multiplied by a million, and were all

these agreed, knowingly and consciously, in excluding certain questions and answers from their teaching, would not constitute an act to be an authority. The "Church," to be in presence, has to be assembled, has to perform certain functions according to fixed regulations, and through instituted organs, and then its "act," its "authority," its "decree," exists, is known, and is capable alike of being enforced or violated, of being appealed to or disregarded.

In the commonest and most trivial of matters loose speech brings, and must bring, error and confusion. What must be the result for the human race of applying loose speech to the gravest? The result is what we see.

In the case of the two Catechisms referred to in my letter, the Bishops who publish them do so on their own authority; the one does it as an act of jurisdiction in his diocese, the other sends his version of the Catechism to the press, as he does any other work of which he is the author. This discloses an irregularity in the practice of the Roman Catholic Church which is very curious, and appears the more so, by contrast with the rule established in the Anglican Church on this matter. The Established Church in England has a Catechism which is contained in the Book of Common Prayer, and from which there is no deviation, that is, it is always the same invariable form of words that is used in the instruction of the young, and that is understood by "the Catechism," which every person is obliged to learn before he can be confirmed. It is not so in the Church of Rome. The practice has grown up of an infinite variety of Catechisms for the use of children. It is, of course, assumed that they are all based upon that of Trent; and this is no doubt the case in regard to doctrine, while we see it is not so as regards the explanation given of the Ten Commandments. In one of the instances I have quoted, it was not merely the application of the Fifth Commandment to War that was omitted, but that most vital restoration upon the general rule of obedience, which is given in the explanation of the Fourth Commandment; namely, that if Kings, or Magistrates, or other Superiors command that which is sin, they are not to be obeyed. If any one omission in a Catechism prepared by a Bishop is to be taken as done by the authority of the Church, then the same must be true of other omissions, which would necessarily lead to the conclusion that it is by the authority of the Church—"Holy Church," according to the old phrase, used to distinguish the word in its canonical from its vulgar sense—that children are no longer to be taught that "we must obey GOD rather than man."

The inconvenience of not having one uniform Catechism for the young has been so much felt, that a large number of French and Belgian Bishops are at this moment occupied in taking steps to have it removed. The attention of some of them is awake upon the point in question. But the wish for uniformity is in no way connected with anything I have said or done upon the subject.

THE END.

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Cardinal Wiseman on the Conscience of a Soldier.

(These letters were sent to the *Diplomatic Review* for publication
by Father SUFFIELD) :—

MR. R. L. DE BARY TO THE REV. R. SUFFIELD.

Weston Hall, Rugby, July 13, 1869.

REV. AND DEAR FATHER,—In compliance with your request, I hasten to relate the fact which you refer to in your letter to Lord DENBIGH of June 7, 1869, with this premised, that it was not I who wrote to Cardinal WISEMAN, but my father.

The late Chinese War having broken out when I was on the point of entering the army, my father became uneasy, because, as he considered the War unjust, he did not know whether he should be doing right to let me enter.

He therefore consulted the Cardinal, whose answer I have been lucky enough to find, and which I enclose. I may add, that my father ceased to be troubled about the matter.

I remain, Rev. and dear Father,

Yours with great respect,

R. L. DE BARY.

To Father Rudolph Suffield.

CARDINAL WISEMAN TO MR. DE BARY.

Talacre, Rhyl, Aug. 7, 1857.

DEAR SIR,—I do not see that you have anything to do with your private opinion about the justice of a particular War, in deciding your son's going into the army. You may freely let him obtain his commission as soon as possible.

Yours very sincerely in CHRIST,

N. CARDINAL WISEMAN.

ERRATUM.—At p. 77, for "that most vital *restoration* upon the general rule of obedience," read "*restriction*."

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